DECEMBER 10, 2001

TERRORISM AND THE CONSTITUTION Laurence H. Tribe, Jeffrey Rosen

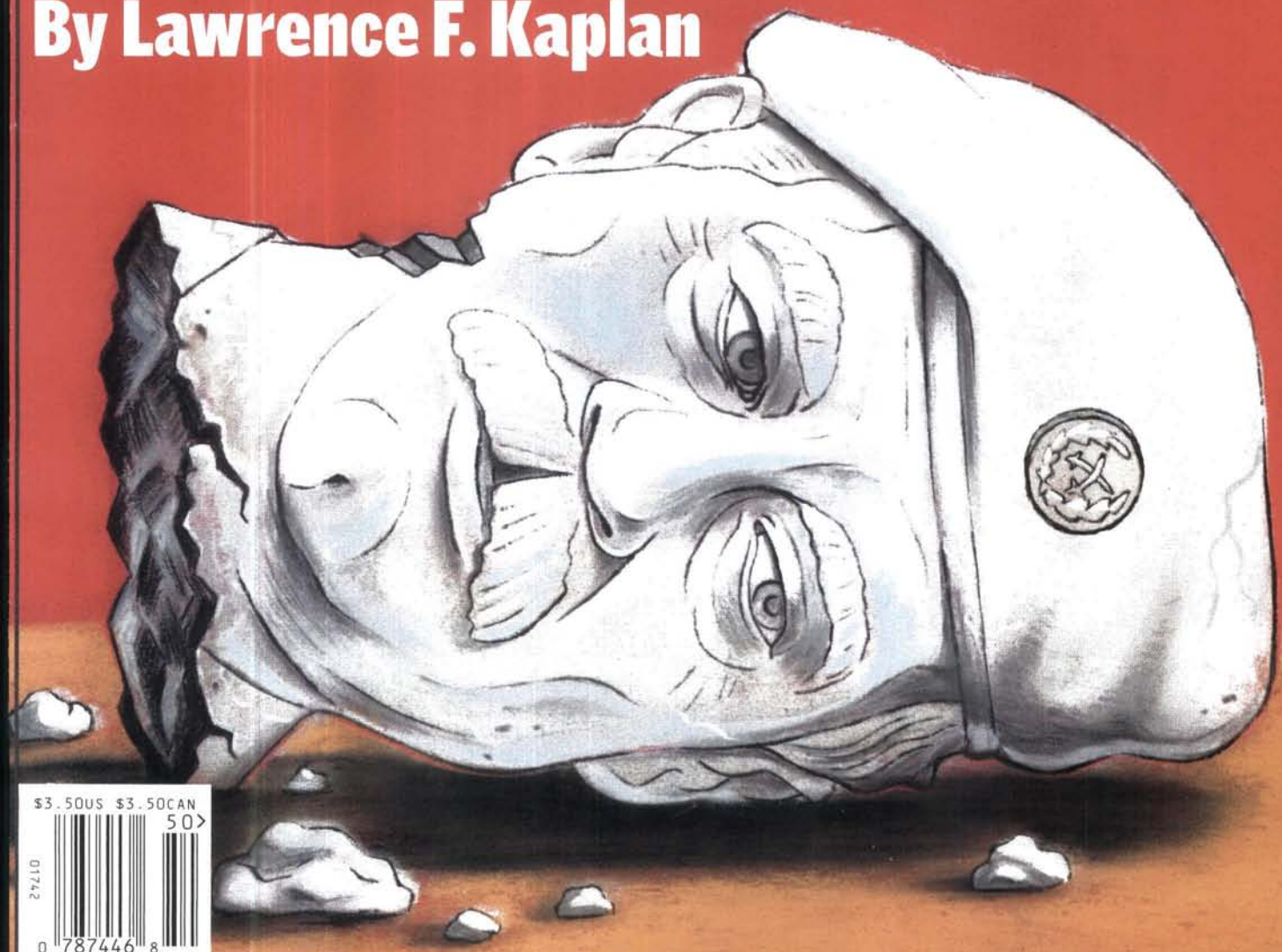
THE NEW REPUBLIC

EMILY DICKINSON LIVES!
Helen Vendler, R. B. Kitaj

THEODORE ROOSEVELT LIVES!
Christine Stansell

THE COMING WAR AGAINST SADDAM

By Lawrence F. Kaplan



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THE NEW REPUBLIC

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Firing back

TO THE EDITORS:

Ryan Lizza's article on White House official Richard Clarke is inaccurate and misleading ("Backfired," November 5). No one with any knowledge of the process by which Clarke has moved from being terrorism czar to cyberspace security czar could label that move as a demotion. Lizza's article almost dismissively relates how Clarke has worked to more than double the counterterrorism budget over the past five years—but this is a major accomplishment. In that time, Clarke has worked tirelessly to encourage domestic preparedness and advance America's counterterrorism efforts. Clarke's new position is a critical one to America's future given that our reliance on vulnerable information systems is even greater than our reliance on imported oil. The United States is lucky to have people of Richard Clarke's caliber working to make this country safer for all Americans.

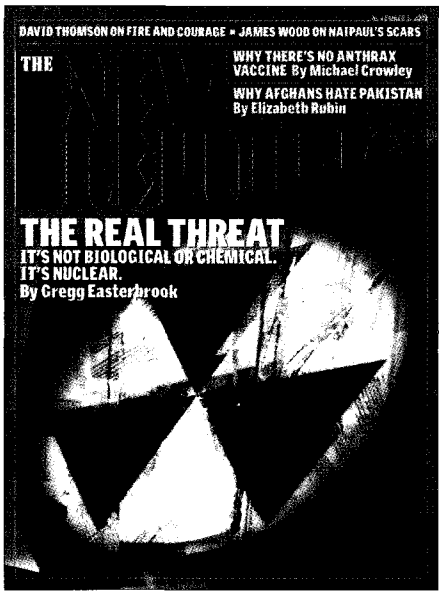
JAMIE METZL
Washington, D.C.

Fear itself

TO THE EDITORS:

Jeffrey Rosen's article, "Bad Luck," nicely contrasts scientific or scholarly models of risk assessment with popular American culture's (including the media's) perception of risk following September 11 (November 5). I would like to provide a few additional considerations from the popular-culture viewpoint. First, the type of cataclysm that occurred on September 11 was heretofore unthinkable, inconceivable, and unimaginable. Perhaps some of the vulnerability, and the underestimation of likelihood of occurrence, lay in cultural denial. While researchers on risk make probabilistic, quantitative assessments, the popular-culture mode makes assessments qualitatively and self-referentially ("I feel vulnerable, therefore I am vulnerable").

Second, the qualitative kind of disaster affects the assessment of vulnerability. Usually, acts of nature or of G-d are imaginable, though they are certainly terrifying. Disasters that are due to malevolent human intent (real and imagined) are more readily personalized. The feeling of loss of control at the hands of invisible terrorists is qualitatively different from the feeling of loss of control in the face of nature. Precursory anxiety helps create the personalization that, in turn, colors the perception of risk ("They are out to get *me*").


DAVID THOMSON ON FIRE AND COURAGE • JAMES WOOD ON NAIPAUL'S SCARS
THE
WHY THERE'S NO ANTHRAX VACCINE By Michael Crowley
WHY AFGHANS HATE PAKISTAN By Elizabeth Rubin
THE REAL THREAT
IT'S NOT BIOLOGICAL OR CHEMICAL. IT'S NUCLEAR.
By Gregg Easterbrook

How do we minimize panic in the face of a risk that, though nearer to low probability if not random, is experienced as personal and malevolent? My wager would be on a national leadership who can affirm that "We have nothing to fear but fear [anxiety] itself."

HOWARD F. STEIN
Professor
Department of Family and Preventive Medicine
University of Oklahoma Health Sciences Center
Oklahoma City, Oklahoma

Knight and day

TO THE EDITORS:

The problem with Sarah Wildman's essay about the failure of feminists to champion the war against the Taliban is that she assumes war is the solution when, for the women of Afghanistan, it has been the source of their long torture ("Arms Length," November 5). A 1995 report by Amnesty International documents the way commanders from what is now called the Northern Alliance allowed soldiers to rape women for reward and murder them for punishment during the struggle for Kabul and Mazar-e-Sharif. We've all heard about the beatings and persecution of women under the Taliban.

The Revolutionary Association of the Women of Afghanistan (RAWA), a feminist group, opposed the American raids on their country because they realized that war results from the failure of civil government. In this case, the U.S. government is making up for its intelligence, diplomatic, and crime-fighting failures by waging war on a country it virtually abandoned. The leaders of years of day-to-day struggles against the Taliban are the women who risked their lives by clandestinely educating hundreds of women and children in underground schools and giving them medical assistance.

Whether RAWA greets the Americans as their knights in shining armor, as Wildman seems to wish feminists everywhere would, depends on whether President Bush insists on their participation in Afghanistan's future government. Certainly a broad-based government ought to include women. Now that Bush has used their plight to rally support for the war, will he abandon them at the hour of their most important struggle: to get a seat at the table where they can begin forming a secular, democratic government?

SUSAN E. REED
Swampscott, Massachusetts

TO THE EDITORS:

Sarah Wildman raises the enormously important question of why feminists don't support the war. She writes of a "feminist-pacifist equation." It might be more relevant to speak of a feminist-leftist equation. When Ayatollah Khomeini became the ruler of Iran, women's rights were destroyed. Feminists and leftists took little notice. When American hostages were seized and held for 444 days, the left sided with Iran. When the Taliban prohibited women from working, going to school, or being admitted to hospitals, feminists and leftists did notice. The Taliban, after all, had come to power as a result of American actions. Nevertheless, as Wildman points out, there has been no call for the end of the Taliban's rule.

The reason that feminists and leftists object to any American military action against Osama bin Laden is that ever since 1955, when the Bandung Conference took place, they have sided with Islamic extremists to oppose the United States and Israel. Freedom and human rights come second.

GEORGE JOCHNOWITZ
Professor Emeritus of Linguistics
College of Staten Island, CUNY
Staten Island, New York

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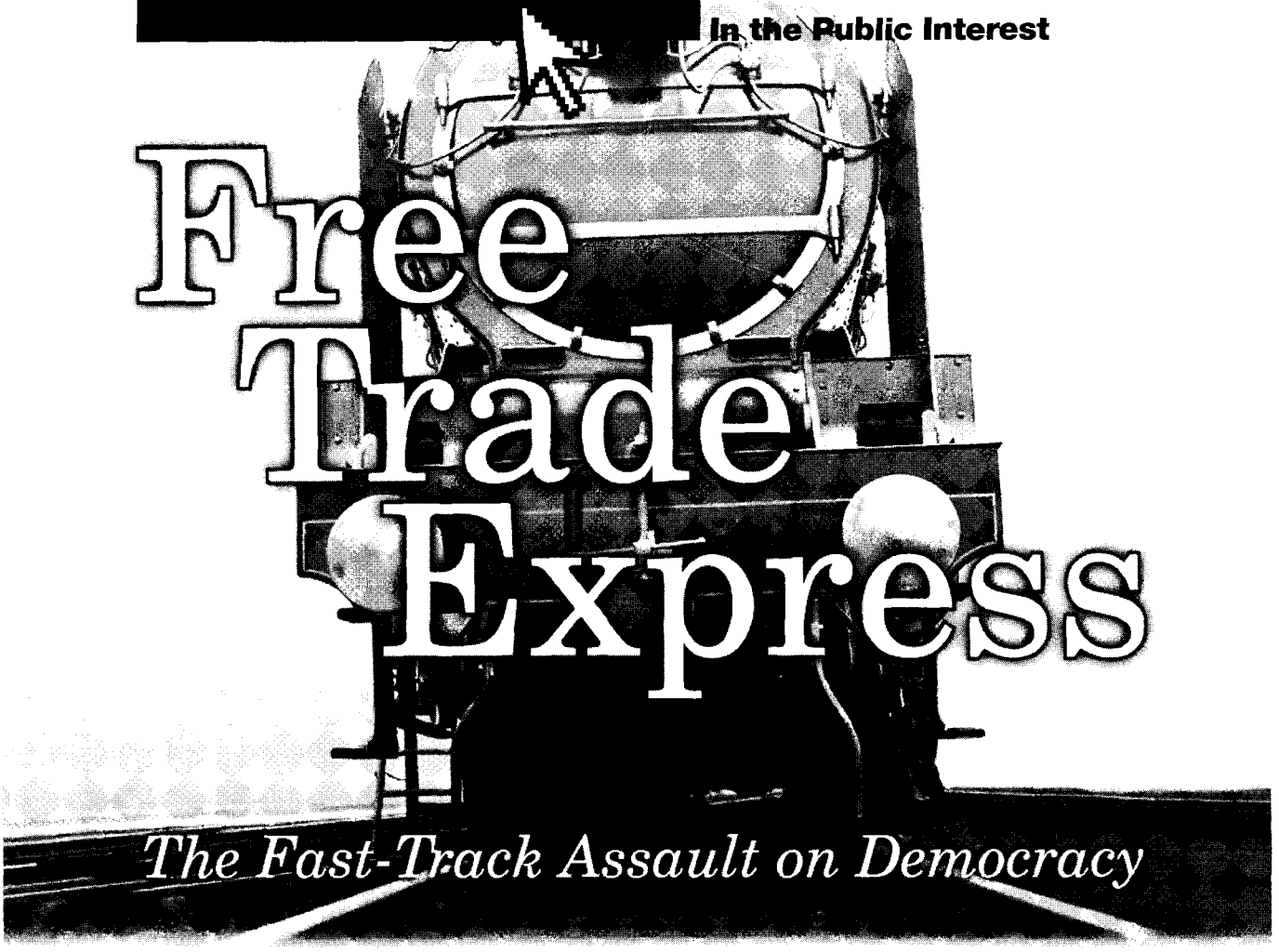
TomPaine.common sense

In the Public Interest



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The Fast-Track Assault on Democracy

Imagine: Americans paying multinational corporations *not* to pollute our air... paying them *not* to poison our water... paying them *not* to mistreat workers.

Sound crazy? It is. But it's already law in the United States, Mexico and Canada under NAFTA, the North American Free Trade Agreement.

Multinational corporations can sue U.S. taxpayers under NAFTA if they believe public regulation has damaged their future profits – and they are. These claims will not be heard in open court, but before secretive tribunals, no citizens allowed.

Now the same provision could spread throughout the Western Hemisphere if the proposed Free Trade Area of the Americas (FTAA) treaty is adopted. It's based on the theory of "regulatory takings" – a radical concept developed by anti-government ideologue Richard Epstein.

When citizens act through government to protect the public interest, Epstein's theory goes, they should pay businesses for limiting or "taking" future profits.

Americans might like to debate whether our sovereign right to protect the common good – clean air and water, public health and safety – should be traded away.

But "free trade" advocates in Congress, portraying FTAA as apple pie sprinkled with stars and stripes, want to limit debate by giving the White House "fast track" authority to negotiate the treaty.

General Electric, Ford, General Motors, International Paper, Motorola, Dow, DuPont, Chevron, Proctor & Gamble, and 3M – these and other companies endorse the "takings" provision in FTAA, saying in a letter to the U.S. Trade Representative that it provides "protection from *regulations that diminish the value of investors' assets.*"

"Jesus, they can't mean that," a retired USTR staffer said when reviewing the letter.

"If they do that," he said, "they're going to put Middle America on the barricades alongside the environmentalists."

*This op ad is adapted from an article in **The Nation** by William Greider.*
*Read it at **www.TheNation.com.***

*Visit **TomPaine.com** for a selection of links to information on FTAA, "free trade" and "takings."*

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THE NEW REPUBLIC

TRB

FROM WASHINGTON

Walk the Walk

THE GENERAL CONSENSUS is that, culturally, September 11 has improved America. People are kinder, more patriotic, more united. Journalists are learning foreign languages; students are mulling careers in the CIA; Oprah recently did a show on the principles of Islam. The cultural climate is improving, with one exception: the crawl.

The crawl is TV-speak for the bottom-of-the-screen news ticker that showed up on CNN, Fox News, and MSNBC on September 11 and has remained there ever since. Media critics, old fogies, and self-conceived highbrows have been tut-tutting about it for months now, and they are absolutely right. In fact, the crawl is even worse than the pointy-heads say it is. It doesn't only give you a headache; it may actually be undermining the war.

The usual complaint about the crawl is that it's distracting. It draws your eyes downward, and by the time you've processed the latest news-nugget scrolling past, you've lost track of what the person on the main screen is saying. Danielle Gorash, a Fox News spokesperson, told Knight Ridder, "We think our audience is smart enough to consume two bits of information at a time." I don't. What the audience really experiences is what Microsoft researcher Linda Stone has called "continuous partial attention." It's the same thing that happens when you talk on your cell phone and drive at the same time—you grasp all the incoming information less clearly.

In that sense, the crawl is cousin to the even more Attention Deficit Disorder-inducing CNN Headline News. CNN executives say they redesigned Headline News, cramming more information onto the screen, to appeal to "time warriors"—a stupid phrase even before September 11. The channel's new format features a CNN logo in the bottom-right corner, a weather map just above it, sports scores on the bottom left, headlines directly above that, the time smack in the center, bullet points about one particular story on the top left, and in the screen's top right-hand quarter, tiny anchors and correspondents reporting on that second's "main story." The trade publication *Cablevision* recently noted a delicious coincidence: On August 6, the day Headline News unveiled its new look, the tiny anchorwoman reported that a new study led by researchers at Carnegie Mellon University had concluded, "The more tasks you do, the less efficient, and less effective, your brain becomes." As Dr. Marcel Just, the study's director, put it, "You can't just keep piping new things through and expect the brain to keep up." The tiny anchorwoman didn't note the irony.

But the larger problem with the crawl isn't just distraction per se; it's what the cable news stations are distracting from and to. Versions of the crawl have existed for years—they've popped up on the bottom of TV screens to report urgent information, and then disappeared when the urgent news passed. If a storm were headed to your area, a crawl would scroll across the screen, often with instructions about what to do. Crawls reported school closings. On election night, they reported results from around the country.

When CNN, Fox, and MSNBC instituted the crawl on September 11, they initially followed this familiar pattern. Journalists might be interviewing government officials or speculating about the terrorists' motives on the main screen, but viewers needed basic information immediately—what had happened? Should they evacuate their homes or offices? How could they find out if their loved ones were safe? Those early crawls often provided telephone numbers and websites where people could go to learn the same kind of vital information they'd have needed in case of a natural disaster.

Eventually, such information was no longer needed. But America soon began bombing Afghanistan, and anthrax letters started appearing in the mail. So although the crawl no longer served the same public safety role, it was arguably justified for the same reason networks have news tickers on election night. These were massive, highly unusual stories—viewers needed the latest on the war, and on domestic terrorism, right away. The crawl didn't only convey unusually important information; it signaled to viewers that something unusually important was still going on.

And that is exactly what the crawl no longer does. The news about the war and about anthrax is no longer so all-consuming; life is returning to normal. And so the crawl has become a digest of largely normal news. I witnessed the result in a weekend of intermittent CNN-watching before writing this column. On the main screen, correspondents spoke about the standoff at Kunduz, where Al Qaeda fighters were threatening a fight to the death. Meanwhile, the crawl reported that Americans had taken in 1.25 trillion calories over the Thanksgiving holiday. When the main screen focused on a Connecticut woman dying of anthrax, the crawl noted that Christmas tree sales were expected to be strong this year. When the main screen aired interviews with families whose relatives had died in the Pentagon attack, the crawl told of a Nebraska man who had entered the *Guinness Book of World Records* for piercing his body 171 times in one sitting.

The crawl still conveyed urgency, but there was no urgency to convey. The form of the information misrepresented its content. In that way, the crawl epitomizes a common problem in the United States today. Cell phone calls interrupt daily life with an implied urgency; but their content is now mundane. During last year's presidential campaign, both candidates used technology to transmit their messages more urgently than ever before. But the messages themselves weren't urgent at all; they were hackneyed and shallow.

This misrepresentation is more dangerous now that we are at war. During war, sharp distinctions must be drawn between what suddenly matters and what suddenly does not. And a nation that cannot draw those distinctions will have difficulty mobilizing itself politically, economically, and culturally. In many ways, American society—and even the media—has drawn those distinctions well since September 11. But the crawl suggests backsliding. When a TV station displays information about America at war, or America under attack, it is an intellectual and moral abdication to offer viewers simultaneous information about Christmas tree sales. It implies that the information is equally important. Network executives say they need the crawl to bring people all the other news that the war is blocking out. But given that people have a finite ability to receive information, that blocking-out is precisely what network executives *should* be doing. They shouldn't tell viewers what to think about the war, but they should absolutely tell them that, support it or abhor it, the war is more important than our Thanksgiving caloric intake.

For several years now, the leaders of the Fourth Estate have been saying that in an age of information overload, the media's role is to prioritize information, making judgments about what matters and what does not. Too bad that at the very moment we need those judgments most, the cable news networks have given us the crawl instead.

PETER BEINART

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Logic

LIKE THE INVINCIBLE Republican Guards a decade ago, like the invincible Serb army half a decade ago, the invincible Taliban have proven vincible. It is a matter of time before the vincibility of Osama bin Laden is similarly proven. Sometime soon, somewhere west of the Khyber Pass, we may grant the jihadist of Liberty Plaza his most ardent wish and martyr him. But what then? Will we declare victory and hand out the medals and get down to the really pressing business of the implementation of the Mitchell Plan? Or will we finally understand that this is a war of many threats and many battles; that Afghanistan, whether or not we transform it into the Belgium of Central Asia, is only the beginning; that anti-American terror is a global phenomenon, a variety of globalization, and so it must be fought in many places and in many times?

We congratulate the administration on the course of its campaign in Afghanistan; but the peculiar thing about our success in Afghanistan is that it is being achieved in a way that does not inspire confidence. Quite the contrary. The shadow of Operation Desert Storm still falls over Operation Enduring Freedom, and Afghanistan in 2001 is beginning to look alarmingly like Kuwait in 1991. Both wars were presided over by a Bush and by Bushists, by people who prefer international popularity ("the coalition") to the attainment of the most difficult and the most necessary objectives, who are incapable of acting in defiance of the Saudi Arabian view of the Middle East because they drink oil for breakfast and dinner. (Referring to the Bush administration's compliant new initiative toward an Israeli-Palestinian cease-fire, Prince Alwaleed, the Saudi petrocrat whose $10 million Rudolph Giuliani refused to accept, remarked last week that "Washington is doing exactly what we asked for.")

Let us keep vividly in mind the objectives of the American war in the wake of the various terrorist attacks of September. The attacks were twofold, the planes and the anthrax, and so the objectives are twofold: the elimination of terrorist networks that perpetrated these acts and would do so again, and the elimination of arsenals of weapons of mass destruction that might fall into the hands of, or be put at the disposal of, terrorists, or that might even be deployed by certain regimes themselves. If we win in Afghanistan but we do not cripple and destroy Al Qaeda wherever it is, then we fail. If we win in Afghanistan and we do not cripple or destroy the laboratories and the armies and the menacing regimes that produce and stock biological and chemical weapons, then we fail. This, and nothing less than this, is the logic of an adequate American response to September 11.

This logic of American response, which is also the logic of American self-respect, leads us directly to the problem of certain regimes in the Arab world. With regard to weapons of mass destruction, the most chilling customer is Saddam Hussein. He is the one about whom there is no need to wonder, no need to repair to the clevernesses of game theory: we know that he would use biological or chemical weapons because we know that he has already used them. He employed them against the Kurds in northern Iraq in the wake of our "victory" a decade ago. The question of how Saddam Hussein can be deposed and how his arsenal can be destroyed is a legitimate question; but the question of whether Saddam Hussein should be deposed and whether his arsenal should be destroyed is not a legitimate question. It is an expression only of a willed historical blindness—more precisely, of an abject surrender to the Saudi obsession with the stability of the Iraqi state, which Riyadh has long considered to be an essential condition of its own security. The realists of the Bush administration may wish to postpone the reckoning, but the day will come when they will have to choose between their cherished coalition and the murder of thousands of innocent people by Iraqi missiles loaded with toxins.

The logic of September 11 must lead us also to another corner of American foreign policy to which the administration is reluctant to go: to a reassessment of America's Arab policy. Not our Israel policy, our Arab policy: they are emphatically not the same. Aside from Israel, there is no country upon which the United States has as much leverage as Egypt. We provide Egypt with $2 billion in aid a year. And yet the regime in Egypt has done little or nothing to assist us in our new war. Instead it has promoted anti-Americanism and anti-Semitism in its streets and in its newspapers as a cynical means of keeping itself in power. With its repression of its own people, the Mubarak government has been recruiting murderously angry young men for Al Qaeda for a long time now. Why is all this acceptable to the administration? Why is there not a Mitchell Commission for the democratization of Egypt? Why does the United States allow itself to be mocked in this way? ■

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NOT TO MENTION THE BANKS: "There are two things that can't be compromised: faith and country." The author of that unimpeachable sentiment is Crown Prince Abdullah, the de facto ruler of Saudi Arabia. He made his lofty remark this week to Saudi intelligence and defense officials in Riyadh. But the loftiness did not last long. This steward of high principle went on to express his indignation about Saudi Arabia's treatment in newspapers abroad, and this was his analysis: "Those newspapers, with whoever is backing them, and you know them, criticize your religion, criticize that which is dearest to you, your faith and your holy book." With whoever is backing them? Never mind that the prince is flat-out wrong, that American newspapers are filled with articles expressing the most acute sensitivity to all things Islamic. It is the anti-Semitic insinuation, and the assumption that its meaning would be easily grasped, that is startling. And stupid, too: In such a dangerous time, when the security of the kingdom of Saud may be at stake, why would Abdullah wish to offend the Elders of Zion?

UNDER THE GUN: Though her 2000 presidential campaign proved a dismal failure, Elizabeth Dole did say some useful things about gun control. Assault weapons should be banned, she argued, noting, correctly, that "you don't need an AK-47 to defend your family." Gun-show vendors should require a three-day waiting period for buyers. And "it's wrong," she declared, "to let people carry concealed weapons." Considering that most GOP presidential candidates furiously suck up to the National Rifle Association, Dole's positions were refreshing—even if cynics suggested they were a Sister Souljah ploy to make her stand out in a crowded primary field. These days, however, Liddy is running for Senate in North Carolina. And given the state's gun-friendliness—and the fact that she faces two conservative primary challengers—the last thing she wants to do is stand out on gun control. And so, in a statement to a local gun-rights group last month, Dole explained that she has now concluded that the assault weapons ban doesn't work. North Carolina's concealed weapons law isn't "wrong"—it's a "common sense proposal." And as for imposing new waiting periods at gun shows, "We do not need new restrictions on those who already observe the thousands of gun laws on the books." A flip-flop of this magnitude can't help but raise the question: Was Liddy expressing her sincere beliefs last year, or is she expressing them now? And does she even know?

POLITICAL BAGGAGE: Don't look now, but the airline security bill may not be doing much to make airline travel safer anytime soon. In testimony this week Transportation Secretary Norman Mineta informed Congress that his department is going to miss deadlines set by the recently passed bill—among them, a requirement that all domestic luggage be screened for explosives starting in mid-January. "There aren't enough people—there aren't enough bomb-sniffing dogs—to be able to do the job," Mineta explained. Which is true: The Department really is struggling to find enough dogs, security workers, and machines. But, of course, there are other ways the government could check for explosives in checked luggage. It could ask President Bush to call up more National Guard troops, who could screen a significant number of checked bags by hand. Or, at the very least, it could require the airlines to perform "positive bag-match"—that is, making sure nobody checks a bag without getting on the plane. Ah, but these steps might add modest airport delays—which is something neither Mineta nor the airlines seem in any mood to contemplate. Indeed, the remarkable thing about Mineta's testimony was that he used

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the occasion to promise something else: that the department will cut waiting times at airline security checkpoints to ten minutes per passenger or less. "Our goal in passenger screening is: no weapons, no waiting," Mineta said. Or, to put it another way, "less safety, more convenience"—for if we learned one thing from September 11 it's that there's a trade-off between the two. Indeed, a central point of the airline security bill was to take security out of the hands of the Federal Aviation Administration—which has a dual charter to protect saftey and promote airline commerce—and put it in the hands of a new agency within the Transportation Department with no vested interest in the commercial well-being of airlines. Now it looks like the problem isn't just the FAA; it's the Transportation Department itself. Which means it's up to the Bush White House—the same White House that fought important elements of the airline security bill to begin with—to make sure the bill doesn't lose its muscle. Feel safer?

PAGING JANE FONDA: Ever since Pakistani President Pervez Musharraf chose to side with the United States rather than Osama bin Laden, he has had to contend with radical, anti-American Islamists at home. In recent days he has bulked up patrols on the Afghan-Pakistani border in hopes of preventing retreating Taliban from swelling their numbers. But it turns out that holy warriors from Kandahar aren't the only visitors Musharraf has to worry about—linguistics professors from Cambridge can also be a headache. On November 26, MIT Professor Noam Chomsky appeared in Islamabad to peddle his by now banal theories of American malfeasance. Speaking at a forum sponsored in part by the Pakistani newspaper *Dawn*, Chomsky asserted that the United States has killed thousands of innocent civilians in Somalia, Sudan, and Nicaragua—actions far more "devastating" than the September 11 attacks—and was now trying to "destroy the hunger-stricken country" of Afghanistan. At the end of his speech, the audience of 1,500 gave Chomsky a standing ovation. He'd doubtless receive a similarly warm reception in Kandahar—as long as he gets there soon.

FASHION POLICE: "Taliban rule has dictated that women be fully covered whenever they enter the public realm.... During the 20th century, American culture has dictated a nearly complete uncovering of the female form.... The war on terrorism has certainly raised our awareness of the ways in which women's bodies are controlled by a repressive regime in a far away land, but what about the constraints on women's bodies here at home, right here in America? ... The burka and the bikini represent opposite ends of the political spectrum but each can exert a noose-like grip on the psyche and physical health of girls and women."—Joan Jacobs Brumberg and Jacquelyn Jackson, *The Boston Globe*, November 23

IDIOCY WATCH, CONT'D: "All the while that Afghanistan's ruling Taliban has been protecting Osama bin Laden, Italy has been harboring another omnipotent religious zealot, one who equally condemns us Western sinners and incites violence with his incendiary rhetoric. Yes, right there on the European mainland! Meet John Paul II, Christian fundamentalist extraordinaire and a man who inspires thugs across the globe who commit hate crimes against homosexuals."—Michelangelo Signorile, *New York Press*, November 21

DEPARTMENT OF CORRECTIONS: Clare Cavanagh should have been credited as the translator of "Five Poems by Adam Zagajewski" (November 26). We regret the error. We love translators. ■

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On the Hill

Casualty Free

By MICHAEL CROWLEY

ON THE MORNING of September 11, the front page of *The Washington Post* bore grim news for the Republican Party. One story described a near-panic among Republicans over the possibility that Congress might use Social Security money to pay for its budget this fall, breaking repeated GOP vows not to do so. A second article unveiled a poll showing that 57 percent of Americans would rather roll back George W. Bush's summer tax cut than touch Social Security. The poll found that voters believed that "Bush more than congressional Democrats bears responsibility for a problem that has suddenly put him on the defensive." Many a Democrat grinned over their Cheerios that morning.

By day's end, however, those stories had been rendered meaningless. Soon Richard Gephardt and Tom Daschle were literally hugging the president. The political terrain instantly shifted from Social Security and health care, where Democrats held the high ground, to the GOP turf of defense and national security. Even the media recount of Florida's 2000 presidential election ballots, once seen as a chance to seriously undermine Bush, passed with little Democratic outcry.

But more than two months after the terrorist attacks, Democrats feel they have a coherent message once again—one good enough, perhaps, to win back the House next year. They aren't questioning the war. And they aren't challenging the president head on. "We're not sending out press releases attacking the president anymore," says Howard Wolfson, executive director of the Democratic Congressional Campaign Committee. Instead, they are taking aim at the GOP's soft underbelly: its unpopular stances on domestic issues like health care, Social Security, and above all, the economy. In the months to come, Democratic candidates won't offer advice about where to parachute in Special Operations forces. And they won't make fun of W. for not knowing the capital of Uzbekistan. But as long as the economy continues to sputter, they plan on flogging it every single day.

Republicans are spinning hard to make sure blame for the deteriorating economy lands on someone else's doorstep—or cave entrance, as it were. "Right now people blame Osama bin Laden for the recession. It's not pinned on any one party," says National Republican Congressional Committee spokesman Carl Forti.

But Democratic strategists think they have a model for how to pin the bad news on the GOP, Bush's personal popularity notwithstanding. Their case study is the congressional elections of 1982, the last time an incumbent Republican president presided over a midterm recession. "We have not run against the economy with a Republican in the White House since 1982," Wolfson says. Like their counterparts today, the Democratic leaders of 1981 were afraid to challenge an immensely popular president. Ronald Reagan, after all, had survived an assassination attempt that March. "[T]he president has become a hero," then-House Speaker Tip O'Neill lamented, according to John Farrell's recent biography of the speaker, *Tip O'Neill and the Democratic Century*. "We can't argue with a man as popular as he is." By 1982, however, Democrats were pummeling the president's tax and budget policies, blaming them for a devastating recession that had sent unemployment above 10 percent. O'Neill relentlessly attacked Reagan's economic plan as a windfall for the rich and a threat to Americans' fiscal and social health. And, in the months before the elections, he pushed for a $1 billion jobs bill that Reagan opposed—until a few weeks before Election Day, when a looming political disaster forced him to sign a compromise version, grudgingly.

AT THE TIME, Reagan insisted that he had inherited the recession from his Democratic predecessor (sound familiar?) and that his tax cuts would soon turn things around (sound familiar?). But the lines never stuck. Days before the election, Ted Kennedy visited an unemployed auto worker's living room to declare that Reaganomics could never help the working man. For good measure, he charged that Reagan had a "secret post-election plan to slash Social Security." On Election Day, Republicans suffered a devastating 26-seat loss in the House.

Today's Democratic leaders are keenly aware that 26 seats is more than four times what they need to retake the House. They concede that today, unlike 1982, war is the dominant political issue. But they think they can neutralize it by wholeheartedly supporting the president. "Democrats aren't going to allow any space between us and George W. Bush," says another leading Democratic campaign strategist. "There isn't going to be any reason to choose based on [foreign policy] issues." And voters don't seem to have done so in last month's state and local elections, in which Democrats won gubernatorial seats in New Jersey and Virginia. Granted, a governor does not handle foreign policy. But Virginia's Republican candidate for governor, Mark Earley, nevertheless tried to paint his Democratic opponent, Mark Warner, as soft on terrorism (see "Stumped," by Jason Zengerle, October 29)—and got nowhere. Just as encouraging is Democratic polling, which finds that, even at the height of the war, most voters want members of Congress focused on their kitchen-table concerns. A poll released on November 13 by Democracy Corps, a new Democratic consulting firm run by Stan Greenberg, James Carville, and Bob Shrum, asked likely voters whether they prefer a representative who focuses "mainly" on security and terrorism or on the economy and domestic affairs. Respondents chose the homebody by more than a 2-1 margin.

The current dueling in Congress over an economic stimulus plan offers a kind of dress rehearsal for the fight Democrats will wage next fall. Democrats, who are proposing expanded health care and unemployment benefits, plan to spend this winter decrying the GOP as the party of corporate greed. Democracy Corps' polling shows that voters prefer the Democrats' stimulus proposals, which are concentrated

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The Press and the War

Robert Zelnick is a research fellow at the Hoover Institution and acting director of the Boston University Department of Journalism.

How tempting it is to say that David Westin, the president of ABC News, suffered a bout of foot-in-mouth disease when he told a Columbia Journalism School audience that "I actually have no opinion on that," in response to whether he considered the Pentagon a legitimate military target on September 11.

What about Steven Jukes, the Reuters editor, who offered, "We all know that one man's terrorist is another man's freedom fighter," as the excuse for the news agency's decision against describing the hijackers as "terrorists."

Or NPR's foreign editor, Loren Jenkins, who explained why he would report a secret U.S. commando staging area in Northern Pakistan if he found one: "I don't represent the government. I represent history, information, what happened."

Alas, the statements belie an underlying moral confusion that is beyond arrogance. **If the attacks on the World Trade Center and the Pentagon are not acts of evil criminality, then is anything criminal in Mr. Westin's world?** Rwanda? Katyn forest? the Holocaust?

If killing innocent civilians for political purposes is not terrorism, then Reuters has summarily rejected the conventional usage of a familiar term. Would it similarly decline to call the premeditated killing of a single individual "murder"?

Mr. Jenkins, whose judgment could send American military personnel to their deaths, offers a supposedly noble excuse: "We journalists are above national allegiances. We are the historians for all mankind, the future's agents." But if you are also the eyes and ears of the enemy, don't demand access to military operations under the banner of the First Amendment. People no less idealistic than yourself died in the service of that amendment. It is not now yours to defile.

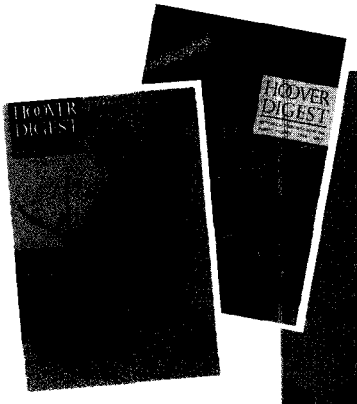
The press does have its role to play in a democracy, even during a time of war. That role is different from those of political or military institutions. The press cannot cease to ask questions and must view bland accounts of progress with skepticism. It cannot become a willing agent of disinformation in what the military euphemistically calls "the information war." It cannot shy from reporting failed operations or even successful ones that trigger excesses among allied troops. It cannot ignore civilian casualties or unthinkingly accept military charges that many of those casualties result from the enemy using civilians as shields.

In today's war the press was right to accept Taliban invitations to view what that government chose to make available, just as a decade ago, in the midst of Operation Desert Storm, Western reporters flocked to Baghdad to learn what they could. And yes, the press should report the words of adversaries, even Osama bin Laden, if those words are newsworthy and present no clear and present danger of terrorist violence.

The quest is for truth. In time of war that quest is difficult and dangerous. Coolness, analytic detachment, and an objective eye are all qualities to be admired in today's journalists as they have been in the past. But objectivity and neutrality are not synonyms. Nor does objectivity require the debasement of language. And no standard of credible journalism justifies putting the lives of Americans at risk.

— Robert Zelnick

Paid for by the Hoover Institution, Stanford University



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on hard-luck individuals, to the Republicans' focus on tax breaks for major corporations. In its November 13 memo, Democracy Corps advised Democrats to exploit a "developing sense in the country that special interests may be acting opportunistically to win breaks for themselves, while ordinary citizens are thinking of the whole country." Sure enough, on November 16, Dick Gephardt denounced the GOP's "large tax break giveaway to the special interests. They hand billions in tax cuts to corporations and affluent individuals." Expect more of the same, especially from the Democratic-led Senate, where Tom Daschle will push legislation that underscores the Democrats' rhetoric. Just as O'Neill built the 1982 House agenda around economic policies that put Reagan on the defensive, Daschle will do the same in the Senate, forcing Bush to choose between signing health care and other benefits for low-income workers and looking like Reagan in 1982 or, for that matter, like his father in 1992—insensitive and out of touch with hurting, lunch-pail Americans.

Democrats even think they can even turn fear of terrorism to their advantage, pushing for more spending on things like vaccines and nuclear security, and highlighting the budget choices forced by Bush's huge tax cut. One House Democratic aide describes an evolving strategy of "homeland security versus tax cuts." Democrats hope to force Republicans to side with the latter. "We don't mind a fight where we say, 'Let's spend some more for smallpox,'" says a top House Democratic aide.

THE DEMOCRATS' STRATEGY is hardly foolproof. For one thing, their efforts to appear as tough on terrorism as the president may not prove entirely convincing. "A lot of these Democrats have a vote record that they'll have to defend," Republican National Committee spokesman Trent Duffy says. "Maybe last year it might not have mattered if you voted to slash the intelligence budget, defense, law enforcement. Next year it might."

For another, Bush brought few candidates to office on his coattails last fall, which makes for an unusually small number of weak GOP incumbents next year. In 1980 Reagan swept 52 new Republican members into Congress, one dozen of whom lost two years later. Last year, by contrast, only 28 new Republicans made it to the House. What's more, they—like all incumbents—are benefiting from the war. Congress's approval ratings are an incredible 70 percent, which bodes ill for Democratic hopes of picking off sitting Republicans. And while redistricting won't give Republicans the seven to nine seats they had cockily predicted earlier this year, it has reshaped some districts to strengthen vulnerable incumbents. By some estimates there will be as few as two dozen truly competitive House races next year—compared to roughly 45 in 2000 and as many as 100 in peak years—of which Democrats will have to win three-quarters to take back the House. (Democrats are more confident about the Senate, which they already control, and in which Republicans have at least as many vulnerable seats to defend as they do.)

Still, the president's party typically loses about 13 seats in his first midterm election, and even wartime presidents are not immune. Eleven months after Pearl Harbor, Franklin Roosevelt's Democrats lost 50 House seats and nine Senate seats. In 1950, early in the Korean War, Republicans picked up 29 House and six Senate seats against Harry Truman's Democrats. And two months after Iraq invaded Kuwait in 1990, George Bush's GOP lost nine seats in the House and one in the Senate. Unless the economy bounces back in the next few months—which doesn't appear likely—and unless the Democrats get burned by the war on terrorism (for instance, if civil libertarian positions come across as weak-kneed), the party will probably have as good a shot at retaking the House at it did on the morning of September 11. The world may have changed, but partisan politics remains much the same. ■

White House Watch

Deal Breaker

By RYAN LIZZA

WHILE FEW HAVE been paying attention, a very pre-9/11 debate has been raging on Capitol Hill. In October, House Republicans narrowly passed a stimulus bill that would, among other things, bestow $25 billion in retroactive tax cuts on a handful of corporations. The White House officially endorsed its passage, but publicly distanced the president from the embarrassing giveaways. Meanwhile, in the Senate, Democrats proposed a mix of temporary tax cuts and unemployment benefits tied to $15 billion in homeland security spending (now cut to $7.5 billion). A band of Senate centrists led by John Breaux tried to split the difference and ended up pleasing no one. With Thanksgiving over, and the Afghanistan and anthrax fronts relatively quiet, the stage was set for the president to reach out to Tom Daschle and lead Congress out of the partisan stalemate.

Publicly, President Bush sounds like he plans to do just that. After all, he has been loudly calling for a stimulus bill for close to two months now. But in truth, there is mounting evidence that the White House doesn't really want to negotiate seriously with Daschle at all. Instead, the emerging strategy seems to be a gradual abandonment of the stimulus—and pinning the blame on the Senate leader's intransigence.

The groundwork has already been laid. By the time Daschle and the rest of the congressional leadership sat down for their weekly breakfast with the president Wednesday morning, the White House and its allies had spent a week roughing him up. The Tax Relief Coalition—a collection of corporations instrumental in building support for the first Bush tax cut—ran three days of radio ads in Daschle's home state the weekend before Thanksgiving while the Senator was visiting Mexico. "Call Senator Daschle," the ad said, "and tell him that while a weekend in Mexico might be a break from the task at hand, it's time to pass the bipartisan stimu-

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lus package called for by the president." That same weekend, Commerce Secretary Don Evans, Bush economic adviser Larry Lindsey, and chief economist Glenn Hubbard kicked off a stimulus-package road show in Chicago. And the show was devoted less to explaining GOP proposals than to explaining how Daschle was blocking them.

Back in Washington, Bush spokesman Ari Fleischer piled on. "The president thinks it would be wrong of the Senate to keep people unemployed," he said on Tuesday. The same day Treasury Secretary Paul O'Neill gave a speech decrying the Senate's obstructionism. On the floor of the Senate itself, Trent Lott and Daschle engaged in a testy exchange. And over in the other chamber Tom DeLay railed against "Daschle's do-nothing Senate," and complained, "It's time for Senator Daschle to stop sandbagging key components of the American people's priority agenda."

And the blame-Daschle message is now being reinforced by a new line: We don't need the package anyway. As it became increasingly evident in recent weeks that any package would require significant concessions to the Senate Democrats' bill, conservatives soured on the idea. Anti-tax crusaders Grover Norquist and Stephen Moore have lost enthusiasm, according to Wednesday's *Washington Post*, arguing that a watered-down compromise would be worthless eight months into the current recession. Even Tom Davis, who as head of the National Republican Congressional Committee is responsible for maintaining the House's Republican majority next fall (and would presumably like his candidates to be able to take credit for trying to restart the economy), has told reporters he would prefer no stimulus to one brokered by Daschle. And the White House—which recently burned House Republicans on the airline security bill, and is close to reaching bipartisan deals on education and the faith-based initiative that conservatives don't like—is in no mood to anger the GOP base.

In a clear sign of the administration's mounting disinterest in the stimulus, the president's economic advisers now emphasize that the economy will recover quickly no matter what. "I think our economy is coming back," O'Neill said last Sunday. Hubbard told the *Post*, "Would the economy recover without [a stimulus package]? Of course." That's telling, because the usual White House strategy is to exaggerate crises to push its agenda.

On Wednesday the White House was still arguing that the package was negotiable, this time by signaling some support for a GOP proposal for a month-long Social Security tax holiday to encourage consumers to spend. The idea was presented as a major compromise. But it's actually a sign of how far apart the two sides still are. The tax holiday would replace a proposal to send out rebate checks. But sending money back to workers was already the one part of a stimulus package that everyone agreed on; the new proposal is just a slightly different (and more regressive) way to distribute that money. And it doesn't touch the real ideological debates: over spending, unemployment benefits, and upper income and corporate tax cuts.

Despite the start of negotiations, the White House now seems less interested in these divisions than in casting blame for the fact that they can't be bridged. "The question is—blaming it on the Democrats—will the public buy that?" says a White House aide. "Bob Bartley [editorial page editor of *The Wall Street Journal*] always urged the elder George Bush to blame the downturn of 1991 on George Mitchell. But the problem was that first you have to tell people who George Mitchell was." Which means you'll probably be hearing a lot more about Tom Daschle. ■

Kabul Dispatch

Brothers in Arms

By Elizabeth Rubin

Not long ago I was talking to Baba Jan, the jovial Northern Alliance general who used to command the front lines north of Kabul from his perch in the Bagram airport tower, about the two Arabs who killed Ahmed Shah Massoud. They'd been posing as journalists and had been given authorization by Massoud's deputy to visit Northern Alliance ammunitions sites. But Baba Jan, the gatekeeper to those sites, refused them entry. "I told the guard to tell them that Allah has sent many messengers to the Arab people, but the Arabs still haven't got the message," he said. "We can never trust the Arabs."

Your hear a lot of that these days. Afghans blame Arabs (and, to some extent, Pakistanis) for infecting their land with terrorist bases; for using it for their fundamentalist designs; for stealing their women by force. Some young men in Kabul even say the Arabs destroyed Afghanistan when they brought Islam here 1,400 years ago. And there's no doubt that Afghanistan has been invaded, exploited, and devastated by one foreign power after another in the name of ideology, religion, and control of the Central Asian trade routes. But as the war moves south, into hard-core Taliban-land, there seems to be a growing attempt to lay blame for the past years of perverse fundamentalist rule on foreigners, while letting the Afghan Taliban exchange their turbans for *pakuls*, rolled woolen hats worn by the Northern Alliance.

Maidan Shar, once fertile, now dry, is a key town for the Northern Alliance if it hopes to link up with the Pashtun opposition fighting the Taliban in Kandahar. Located just south of Kabul, it straddles two crossroads vital for trade, transport, and travel: the asphalt road (a rare gem here) that leads south to Kandahar, and the rougher dirt road that leads to the central provinces of Bamiyan, Baghlan, and the northern city of Mazar-e-Sharif. The battle for Maidan Shar offers a small window onto not only the opaque and inti-

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mate nature of Afghan war and politics, but also a foretaste of what's to come as Taliban rule crumbles.

A FOX FLITTED across the desert. A soldier grabbed his Kalashnikov and aimed at the fox. Nothing unusual. Except that a few hundred meters away, amid tank rounds, rockets, and machine guns last Friday morning, the hunter's fellow soldiers were advancing up a scrappy mountain to force the Taliban in Maidan Shar to surrender. As I shouted at the soldier not to kill the fox, a commander shouted orders over the radio: "When you capture a place and the Taliban flee, put three or four soldiers on, and the rest advance. Those behind bring RPGs, rockets, Picas, Kalashnikovs, because now we are face to face with the Arabs and Pakistanis." He was probably just trying to rally his men: There were no Arabs and Pakistanis in Maidan Shar anymore.

Then a pickup came barreling down the road, carrying a Northern Alliance soldier from Maidan Shar named Amin, shot dead in the chest. Another wounded man needed to be picked up, but the driver on standby said he only had 15 liters of petrol, and his commander told him it must be saved for their unit only. The battle went on. And then suddenly, hundreds of Northern Alliance soldiers were running back down the hill they'd recently been advancing up. The retreat was baffling. A young Afghan said to me, "Don't ask questions, just look at the soldiers' faces." All their early-morning enthusiasm was gone. They were gloomy and ashamed. The journalists who had come from Kabul to watch assumed the Northern Alliance had botched the operation. Why didn't they have more men? Why did they retreat? And everyone drove back to the capital thinking that the Northern Alliance was a slipshod army that couldn't control its own backyard.

In fact, the story is much more mundane. It's about two brothers, Musa, who had been a high school teacher, and Gul Mohammad, who was jobless, and their cousin, Abdul Ahmad, who was jobless and illiterate. Pashtuns all. When the Russians invaded, they each joined different mujahedin political parties. They became commanders. An old Maidan Shar man summed up their behavior during that period: "They fought at night. They fought at day. They fought each month, each week. They built units. They built traps for each other. They attacked the houses, closed the roads. They conquered a village then lost it, then conquered it and hundreds of family members were killed. They never negotiated. They never had discussions. They only shot at each other." Never once, he said, did the three join forces to fight the Russians. If anything, when the Russians attacked one, the others took the opportunity to steal from him. Why? They wanted power. They wanted to recruit. They wanted to show their Pakistani patrons that they were capable. But most important, said the old man with a long laugh, they wanted to control those roads to make each car pay a toll. And last Friday's battle for Maidan Shar, which to us on the outside looked like the next stage in the Northern Alliance's war against the Taliban, was in fact a 22-year-old family feud.

The morning after the battle, I was sitting with the illiterate and once jobless cousin, Abdul Ahmad, a tall, hefty commander with a crooked nose and a foot-long beard. He was holding court in a makeshift teahouse—with no tea since it was midday during the month of Ramadan—adjoined to the petrol station that serves as his headquarters on the asphalt road to Kandahar. After the Russians withdrew, Ahmad joined Massoud's forces in Kabul. The brothers Gul and Musa also joined Massoud's forces; but when the Taliban reared its head, Musa went to Kandahar to join them. Gul took control of Maidan Shar and remained with the Northern Alliance—but only until the Taliban took over that town as well. Then he simply put on a Taliban turban and took his post at the Taliban front lines. In the current round of war, as the Northern Alliance took back Maidan Shar, Musa darted off to Pakistan. Gul stayed and fought with the Taliban. And Abdul Ahmad rushed to Maidan Shar and confiscated all the cars, jeeps, and trucks he could find.

In the teahouse, a man in a white skullcap and yellow sheet wrapped around him was writing out ration slips for each soldier who came in for petrol, travel, or weapons. "My friend is illiterate," the man said in English, pointing to Abdul Ahmad, who was now reclining and rubbing his chubby feet against each other. Throughout the rest of the morning, the mysterious man in the yellow sheet kept smiling at his friend and then explaining to me what was really going on.

In short, the Northern Alliance was having to baby-sit this old feud. Before the battle broke out on Friday, Gul had agreed to surrender with his Taliban forces—until he saw it was Abdul Ahmad of all people who'd come for the weapons. He'd hand over his weapons to a Tajik, he said, but never his old enemy Abdul Ahmad, even though he is a fellow Pashtun. *That* would be too humiliating. So Fahim, the Northern Alliance's defense minister, sent in a Tajik commander to negotiate. "So Abdul Ahmad has lost the game," said the man. "He secretly sent his people to Gul's village to provoke an uprising against Gul's soldiers." To make matters even more confusing, the man writing the ration slips said that Abdul Ahmad, who had stayed loyal to the Northern Alliance, was in fact an unreconstructed fundamentalist who would have no problem harboring Arabs. And Gul, the Taliban commander all these years, wanted nothing to do with the Taliban nor the Northern Alliance. His allegiance, according to the man, is and always was to the King Zahir Shah.

DURING A BRIEF interlude in this Maidan Shar impasse, part of the village was opened up. Outside a school where the commanders were meeting I spoke to a longhaired, long-bearded Taliban perched on a wall with his gun. "In fact, I'm not a Taliban. I was with Gulbuddin Hekmatyar," he said, referring to an insane, fundamentalist commander responsible for rocketing to death much of Kabul during the civil war and who is now plotting to come back and wreak havoc here. "But we're all just tired of fighting. We want elections to choose someone who will help our country. We don't want any of these commanders in here. We just want the United Nations."

As soon as we drove back to the main road, the village was shut down again with Gul Mohammad refusing to surrender his weapons, and Abdul Ahmad not budging from his redoubt at the petrol station on the edge of town. Both of

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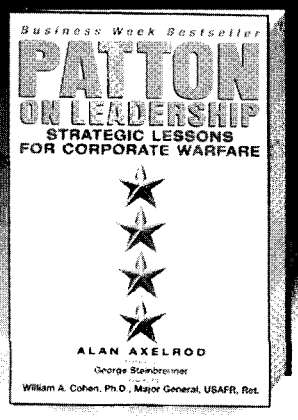
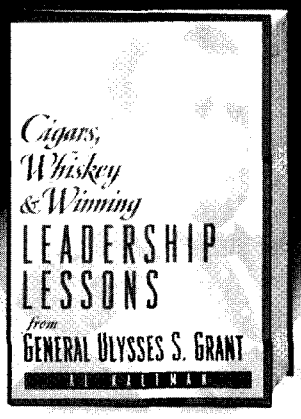
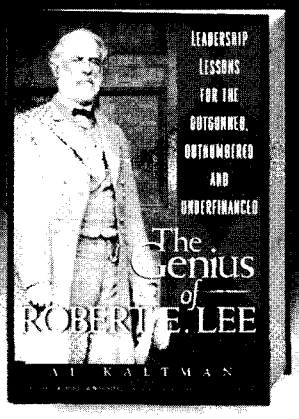
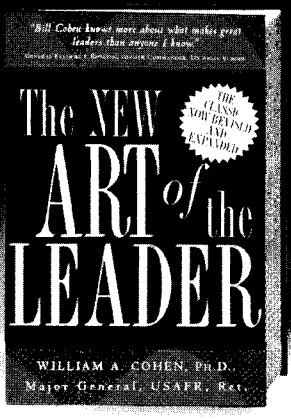
Leadership can be taught . . .





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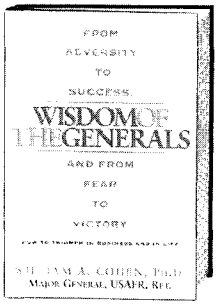

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these men have switched sides several times. Their loyalties belong to power and money, not ideology. Which may explain why people here are not particularly interested in assigning individual responsibility, or flushing out the former Taliban in their midst. It's more expedient for them, politically and psychologically, to write a simpler story: The foreign terrorists created the Taliban, so get rid of the terrorists and the Taliban will disappear. Which also explains the longing among many here for UN forces, even for Americans, whom they distrust. As one 17-year-old computer fanatic who had studied in Pakistan told me, "What freedom will we lose if the Americans stay here? We don't have any freedom to lose. We lost it when the Russians came and maybe we're even sorry we won our freedom from the British, because we would have been powerful now like Hong Kong." ■

Why Congress must stop Ashcroft's alien detentions.

Holding Pattern

By Jeffrey Rosen

Of all the new security measures adopted by the Bush administration since September 11, the most draconian involve the detention and interrogation of aliens. In his dragnet effort to uncover evidence of terrorism, Attorney General John Ashcroft has authorized the detention of some 1,100 noncitizens. Some have been held for months and—thanks to recently passed legislation—may be held indefinitely. Critics call the Ashcroft detentions unconstitutional. "We have violated core constitutional principles," says David Cole of Georgetown University Law Center, pointing to new laws and regulations that allow the government to detain aliens without bail; deport or exclude them because of their political associations; and eavesdrop on their conversations with their attorneys.

Some of these measures may indeed violate principles of procedural fairness, free speech, and privacy. But they don't violate the Constitution. Over the last 50 years the Supreme Court has imposed few constitutional restraints on the ability of Congress and the president to detain, exclude, and deport aliens in ways that would be grossly unconstitutional if applied to citizens. As a result, Ashcroft has virtually unlimited legal discretion in his treatment of aliens. But that doesn't mean he shouldn't be stopped; only that judges aren't the people to stop him. Although it may be difficult in the current environment, our elected representatives in Congress are the only officials authorized to determine the fate and defend the interests of mistreated aliens. It's a role Congress has been reluctant to play in the past. But Congress may be the only hope we've got.

The most sweeping of the laws and regulations passed in the wake of September 11 are those that authorize the indefinite detention of aliens whom Ashcroft designates as suspected terrorists. Most significantly, on November 14, the Immigration and Naturalization Service adopted a regulation allowing the detention of aliens whom the government wants to deport but no other country will admit. If the attorney general, in consultation with the State Department, believes that their cases raise significant "national security or terrorism concerns," the aliens can be locked up indefinitely.

The regulation is an attempt to respond to the *Zadvydas* case, decided by the Supreme Court last June. Before then, the Court had repeatedly held that Congress has virtually unlimited power to deport, exclude, or detain immigrants at the border. In *Zadvydas*, however, Justice Stephen Breyer, writing for the 5-4 majority, held that in the 1996 immigration reform act, Congress hadn't intended to authorize the indefinite detention of aliens who couldn't be deported because their home countries wouldn't allow them back. (In fact, Congress probably *had* intended to authorize the detentions; Breyer stretched the language of the law to avoid a constitutional conflict.) But even though Breyer intervened on behalf of aliens' rights, his opinion included an important loophole: It stressed that Congress and the president might have more leeway to detain aliens indefinitely in cases involving "terrorism or other special circumstances where special arguments might be made for forms of preventative detention and for heightened deference to the judgments of the political branches with respect to matters of national security."

The new INS regulations exploit this loophole for all it's worth. They allow John Ashcroft and Colin Powell unilaterally to detain any deportable alien whose release would have "serious adverse foreign policy consequences," in the government's opinion. And although the regulations give the government tremendous discretion to define a foreign policy crisis, it's hard to imagine that the Supreme Court would raise constitutional objections. This is particularly true in light of the USA Patriot Act, passed in October, in which Congress explicitly authorized the attorney general to detain "suspected terrorists" indefinitely in special circumstances. This time, there's no ambiguity about congressional intent.

Another element of the USA Patriot Act allows the deportation not only of convicted terrorists, but of any alien who provides financial support to a "terrorist organization," broadly defined as a group of people who threaten to use weapons. "I would guess that somebody who writes a check to the organizations that raise money for the IRA might be brought within this," says Peter Schuck of Yale Law School. "That's troubling, but it's hard to see how it could be more precisely defined." Schuck suggests that judges might interpret the law to say that the IRA contributor can't be convicted as a terrorist unless he knows more about how the IRA operates than it takes to write a check. But once again, it's a mistake to rely on the courts: In the past, the Supreme Court has been extremely deferential to Congress in cases involving the deportation of unpopular aliens.

In the 1950s, for example, Congress passed the McCarran-Walter Act, which allowed the government to exclude and deport aliens who advocated communism. The Supreme

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Court upheld the attorney general's right to deport aliens who were members of the Communist Party, suggesting that Congress has the right to treat aliens in ways that would violate the First Amendment if applied to citizens. The Court held that an alien couldn't use his lack of knowledge about the Communist Party's goals as a defense. It also held that aliens could be detained without bail while the government decided what to do with them. These cold war precedents may doom any legal challenges to a regulation issued by the INS in October allowing the Justice Department to lock up aliens while appealing an immigration judge's decision to release them on bail.

The Patriot Act also authorizes Congress to exclude from the United States any aliens who "endorse or espouse terrorist activity" or who "persuade others to support terrorist activity or a terrorist organization." In 1953 the Supreme Court upheld similar exclusions. In a famous case, a Romanian alien named Mezei, who had lived in the United States for 25 years, went home to visit his dying mother; when he tried to return, he was detained on Ellis Island for almost two years on grounds that his admission would be "prejudicial to the public interest." The Supreme Court held that he wasn't even entitled to judicial review of the decision not to release him on bail. Harry Kalven, the great First Amendment scholar at the University of Chicago, summed up the Court's attitude toward exclusion and deportation of suspected Communists this way: "The rule was that there were absolutely no limits on the power of Congress to exclude aliens. Neither inhibitions against gross racial discrimination, against interference with freedom of speech and association, against breaking up the family, nor restraints dictated by notions of basic procedural fairness could stay the hand of the government."

All this would be easier to swallow if the government had to prove that the aliens it was indefinitely locking up really did threaten national security. Unfortunately, because deportation hearings are considered civil—not criminal—proceedings, immigrants have none of the rights available in criminal trials: to appointed counsel, to the exclusion of illegally seized evidence, to have the government prove their dangerousness beyond reasonable doubt.

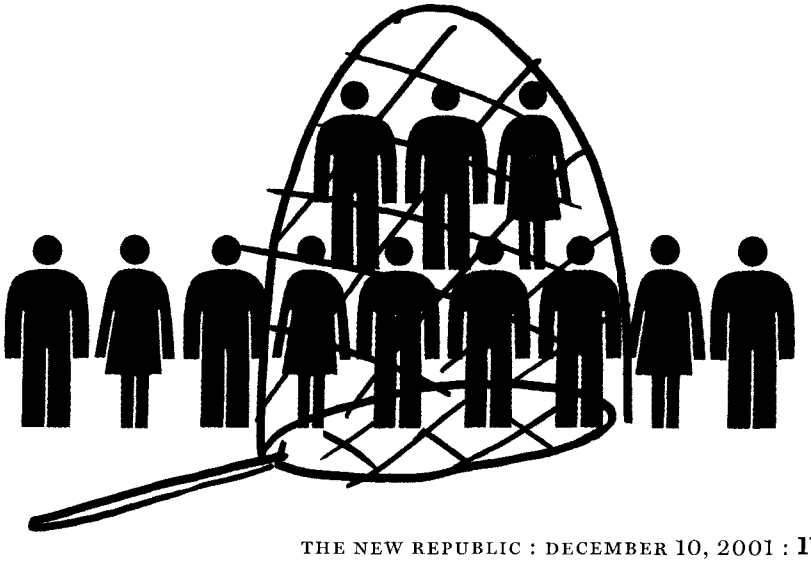
A detained alien does have the right to a lawyer—if he can afford one. But in his most appalling decision of all, Ashcroft has undermined this right as well. On October 30 the attorney general approved a rule allowing federal agents to eavesdrop on conversations between federal inmates and their lawyers whenever "reasonable suspicion exists to believe that an inmate may use the communications with attorneys ... to facilitate acts of terrorism." Even though an inmate's conversation with his lawyer can't be used against him by a criminal prosecutor, the presence of federal monitors will severely inhibit the ability of detainees—innocent as well as guilty—to speak candidly with their lawyers and receive necessary legal advice.

The Ashcroft rule isn't only an egregious incursion on privacy—it will also bring little in the way of increased security. After all, lawyers already can't help their clients commit new crimes, and they have an ethical obligation to report threats of terrorism or violence. Under the so-called "crime/fraud exception" to the attorney-client privilege, if the government has probable cause to believe that a client is using a lawyer to advance an illegal scheme, it can get a court order or even set up a sting operation. Moreover, as Akhil Reed Amar of Yale Law School suggests, there are less-intrusive ways of ensuring that the most dangerous suspects don't use their lawyers to further terrorist schemes: Lawyer-client conversations could be videotaped and reviewed by impartial judges, for example, rather than by partisan government lawyers.

But although the Ashcroft eavesdropping scheme is unnecessary and indefensible, it doesn't violate the right to counsel. The Sixth Amendment protects the attorney-client privilege only in a *criminal* prosecution, while most of the aliens who will have their conversations spied on by John Ashcroft will never be charged with a crime.

If the courts won't protect aliens from John Ashcroft, who can? The answer, for better or worse, is Congress. The Bush administration has shown little restraint in the domestic war against terrorism. And like any risk-averse federal agency, the INS is resorting to dragnets to protect itself against the charges of negligence that will inevitably follow if more aliens commit terrorist acts. As Schuck suggests, Congress should carefully oversee the Justice Department's enforcement of the new laws and regulations authorizing the detention of aliens. The Constitution, after all, gives Congress, rather than the president, plenary authority over immigration. One of the many unfortunate features of Ashcroft's decision to permit eavesdropping on attorney-client conversations is that it was announced without consulting Congress. Vermont Senator Pat Leahy is sufficiently exercised by Ashcroft's failure to consult Congress on a range of issues, including the establishment of military courts, that he has scheduled oversight hearings. If Congress remains jealous of its prerogatives to determine the fate of aliens, perhaps its oversight will restrain an administration unwilling to restrain itself.

Unfortunately, history does not offer much cause for optimism. "The communist deportation cases supply almost ex-



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periment evidence of how little Congress itself is disciplined by the traditions of political tolerance," wrote Harry Kalven. "They suggest that Congress, when freed from constitutional restraints, will pursue the logic of security relentlessly."

In an even more famous abdication, Congress failed to object to the detention of Japanese-Americans during World War II. It took 43 years for Congress to recognize its error. The Civil Liberties Act of 1988 issued an apology and $20,000 to each of the Japanese-American citizens and resident aliens interned during World War II. "We know we're going to regret this," says Alex Aleinikoff, a former general counsel of the INS under President Clinton. "Probably now is the time we should be saying to the detained aliens, 'We know we're taking something from you and we should pay you later.'" Better yet, of course, would be not to detain them unreasonably in the first place. ■

Why Congress must curb Bush's military courts.

Trial by Fury

By LAURENCE H. TRIBE

PRESIDENT BUSH'S ORDER establishing military tribunals for noncitizen terrorist suspects is riddled with flaws. First, to justify the order, the president acts as though Congress has declared war, when all it has really done is authorize him to "use all necessary and appropriate force against those nations, organizations, or persons [involved in the September 11 attacks] ... to prevent any future [such] acts of international terrorism against the United States." Lacking the ritualistic solemnity of a declaration of war, that hasty authorization does not justify the same domestic deprivations that a formal declaration of war might—particularly since our enemy in this war is amorphous, and the war may never reach a decisive, public end. Second, the order's reach is so sweeping that it could ensnare not just terrorist leaders captured overseas, but any ordinary, lawful resident alien who may once have "knowingly harbored" a present or former member of Al Qaeda or who might be "believe[d]" to have "aided or abetted ... acts in preparation" for international terrorism. Third, the order provides no definition of "international terrorism"—and the definition of "terrorism" recently provided by Congress in the USA Patriot Act is broad enough to encompass, for instance, a doctor in the Netherlands prescribing lethal medication for a terminally ill Oregon patient to "influence the policy of" the attorney general regarding Oregon doctors by "intimidat[ing]" him into backing down. This is certainly not to suggest that Attorney General John Ashcroft would extend his personal war on physician-assisted suicide so far as to drag the Dutch doctor before a military tribunal. But therein lies the problem: Using so amorphous and elastic a term without pinning it down invites arbitrary and potentially discriminatory decisions of whom to submit to a military trial and whom to spare that burden. Fourth, the tribunal's jurisdiction extends beyond "violations of the laws of war" to encompass violations of all "other applicable laws," which in turn invites the use of military tribunals for ordinary state or federal crimes that bear no relation to the wartime rationale for circumventing the safeguards of the civilian courts. Fifth, the order gives the president and secretary of defense unbridled discretion to conduct all proceedings in complete secrecy, and to reach whatever "final decision" the president deems proper, perhaps even convicting and sentencing to death someone the tribunal has *acquitted*. And these are just the most obvious excesses.

But just because the order is flawed doesn't mean it can't be mended. The crucial question—given the many other steps the executive branch is taking that blur the boundary between making war and doing justice—is who can best repair it. The standard answer is the Supreme Court. Because they assume the Court should step in, critics worry that Bush's order appears to preclude judicial review, and thus may prevent the Court from playing its vital role in this drama. But that worry is misdirected; in fact, the order probably does allow judicial review. The problem is that the Court's review would likely be a rubber stamp. Historically, the judiciary has been so deferential to the executive in wartime as to provide virtually no meaningful check. That problem might be compounded this time by the fact that courts are necessarily limited to reviewing one challenged government measure at a time. As a result, they fall prey to the familiar tyranny of small decisions; they are institutionally unable to assess these measures' interlocking totality—a totality that might entail far more profound compromises of constitutional principle than piecemeal judicial review can reveal. And, in blessing dubious executive wartime measures, the Supreme Court might actually make things worse—establishing precedents for even more frightening government actions in ordinary times.

That is why Congress must step in. The Constitution grants the legislative branch the responsibility to "declare war," "grant letters of marque and reprisal" (as in the $25 million reward for Osama bin Laden), "define and punish ... offenses against the law of nations," and make all other laws "necessary and proper" for executing any of the national government's enumerated powers. If Congress uses those prerogatives appropriately to trim the order's sails, then President Bush's extraordinary tribunals may be a permissible response to an extraordinary war.

Given common assumptions about the constitutional division of power, the federal judiciary might seem the logical place to check executive overreaching of the sort found in the president's order. After all, in analogous circumstances during World War II (*Ex Parte Quirin*) and as recently as this year (*INS* v. *St. Cyr*), the Court elbowed its way onto the doorstep of what the president declared unreviewable executive affairs—finding a hook for judicial review that the presi-

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dent and Congress thought they had precluded. But it would be a terrible mistake for those who worry about civil rights and liberties to pin too much hope on the judiciary in times of crisis. Even assuming general agreement in hindsight that a government practice violated the Constitution, the likelihood that the Supreme Court would say so in the face of strong opposition by Congress, the president, and a public caught in the fog of war is very low indeed. And the odds that judges will second-guess a determination by the nation's commander in chief that a given measure is truly demanded by military necessity are particularly slim.

The boldness with which a bare Court majority intervened in the recounting of Florida's ballots in the last presidential election—despite the Twelfth Amendment's allocation of the relevant decision (which electors to count) to Congress, and despite the absence of reason to doubt that Congress could have and would have done its job without the Court's help—has led some to assume that, in a *genuine* crisis, the Court would similarly seize the prerogative. But that assumption misreads the current Court. In *Bush* v. *Gore*, five of the justices displayed their disdain for the messy processes of democracy and their devotion to decorum and the appearance of order even in the inherently indecorous context of choosing a president. That is very different from the courage it would take to stand up to a president who claims, with an approval rating hovering around 90 percent, that he is acting to prevent another disaster. Indeed, Justice Antonin Scalia's famous worry about a "cloud" over the legitimacy of the Bush presidency suggests a judicial attitude that would be accepting rather than skeptical of the president's need to invoke the extraordinary powers of military tribunals.

In this regard, the current Court is no different from its predecessors, all of whom—when confronting the "blood-swollen god" of war—nearly always deferred to the president in trading liberty for security. According to the memoirs of Franklin Roosevelt's attorney general, some nasty behind-the-scenes arm-twisting by the executive may have spurred a unanimous Supreme Court in *Ex Parte Quirin* to approve military tribunals for citizens and noncitizens alike accused of wartime sabotage on American soil. And even without improper executive pressure, when thousands of anarchists, pacifists, and Communists were convicted and imprisoned for expressing their opposition to U.S. military policy during World War I, the Supreme Court consistently upheld their convictions. Those rulings diminished the force of the First Amendment for half a century, fulfilling Charles Dickens's prophecy that "traces of war and bloodshed will survive in mournful shapes long after those who worked the desolation are but atoms of earth themselves."

Not even after military hostilities have ceased has the Supreme Court been capable, despite its theoretical independence from public passions, of striking down such excesses as FDR's shameful internment of more than 70,000 American citizens of Japanese ancestry. On the contrary, in a series of now infamous decisions culminating in 1944 in *Korematsu* v. *United States*, the Court feared second-guessing the military and "availing [itself] of the calm perspective of hindsight." So it caved in to puffed-up claims of military necessity.

It would have been far better had the Supreme Court in these cases exercised what Alexander Bickel described as the "passive virtues" of ducking decision—by finding a matter nonjusticiable, or simply by declining discretionary review—rather than setting one unfortunate precedent after another, each lying about, as Justice Robert Jackson wrote in his *Korematsu* dissent, "like a loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need." Noting that a "military order, however unconstitutional, is not apt to last longer than the military emergency," Justice Jackson argued that, even if courts should not actively interfere with a military order that strains the Constitution but whose necessity no court can properly second-guess, they should refrain from *upholding* any such order. For "once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, ... [a] passing incident becomes" a constitutional doctrine with "a generative power of its own."

That is the danger again today. The current Court seems insufficiently modest to worry that circumstances might lead it to distort enduring constitutional principles. And that makes it all the more essential for Congress to play an active role—more active and thoughtful, certainly, than the role it played in essentially rubber-stamping without even fully reading the sweeping USA Patriot Act in October—by curtailing the military tribunal order's clear excesses. In fact, it is *only* Congress, through its powers of investigation, that can turn a spotlight on just what the administration is doing to the many people it has detained and interrogated in secret, in anticipation of the excessive secrecy of the tribunals themselves. Only Congress can expose the racial profiling that appears, despite repeated administration denials, to be at play in the interrogation of some 5,000 Middle Eastern immigrants. Only Congress can investigate the array of other apparent incursions on traditional liberties and privileges (such as attorney-client confidentiality) that Attorney General Ashcroft has instituted. Above all, only Congress can determine whether the totality of the executive branch's domestic anti-terrorism program—which no court could ever assess in one individual case and

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which might more severely distort basic constitutional principles than we could surmise by simply adding its separate parts—ultimately crosses the line of what the Constitution permits. And only Congress, through its appropriations and lawmaking powers, can set different and more fitting parameters and procedures for the military tribunals and for the web of related institutions and practices—all of those strictures, of course, being subject to judicial review to ensure that Congress does not exceed *its* constitutionally enumerated powers.

THAT SAID, THERE remains the fundamental question of whether the core of the executive order, its gratuitous branches pruned, is consistent with the Constitution. I think it may well be. We are engaged in a real war, not a metaphorical one akin to the "wars" on drugs or poverty. And terrorist attacks of the sort launched on September 11 differ from "ordinary" mass murders of as many innocents in that they target Americans and their allies simply for who they are: citizens of nations that do not accept the terrorists' twisted views. Just as Kristallnacht represented terrorism against the Jews of Germany and not simply the breaking of Jewish shopkeepers' windows, and just as the lynching of African Americans is a form of terrorism beyond the sum total of the individuals killed, so targeting Americans for murder throughout the world is more than mere crime. It is war, and the Constitution cannot prevent its treatment as such.

In wartime, "due process of law," both linguistically and historically, permits trying unlawful combatants for violation of the laws of war, without a jury or many of the other safeguards of the Bill of Rights—provided the trials are conducted by tribunals impartial enough to render fair verdicts, and provided each accused may hear the case against him and receives a fair opportunity to contest it through competent counsel. Against this proposition, critics note that aliens in the United States, even enemy aliens, are "persons" protected by due process. True enough, but that just begs the question of *what* process is "due" under the circumstances.

It is said that martial law and military tribunals have been held unconstitutional for civilians residing in the United States so long as the civil courts were open (in *Ex Parte Milligan* in 1866 and 80 years later in *Duncan* v. *Kahanamoku*). But those cases involved either garden-variety offenses like assault or embezzlement, or activities wholly unconnected with any armed attack or rebellion against the United States.

It is said that military tribunals will be biased against anyone accused by the president or secretary of defense. But wouldn't any civilian jury be just as biased? Wouldn't even Supreme Court justices themselves—exposed to the possible effects of terrorism when they had to vacate their historic quarters because of an anthrax scare—be less than perfectly impartial? We consider military tribunals sufficiently impartial to judge our own military personnel accused of crime. Why should members of Al Qaeda and those who aid them enjoy a constitutional right to a theoretically purer form of justice than our own soldiers?

It is said that military tribunals, by not requiring unanimity or proof beyond a reasonable doubt, would deprive those subject to them of liberty, and perhaps even life, without due process of law. But due process requires such safeguards, the Supreme Court has held for at least two decades, *only* when "it is much better for [the defendant] to go free" as a result of error than for the defendant to be erroneously detained. In the 1979 case establishing that principle, *Addington* v. *Texas*, the Court suggested that even a standard requiring the government to prove merely that its charges are *probably* correct would constitute due process when "the possible injury to the [accused] individual" is not "significantly greater than any possible harm to the state." The old adage that it is better to free 100 guilty men than to imprison one innocent describes a calculus that our Constitution—which is no suicide pact—does not impose on government when the 100 who are freed belong to terrorist cells that slaughter innocent civilians, and may well have access to chemical, biological, or nuclear weapons.

It is said that ordinary civilian trials—like those arising from the 1993 World Trade Center bombing, or proceedings in foreign or international tribunals like the trial under Scottish law of two Libyans accused of the 1988 bombing of Pan Am Flight 103—can preserve the secrecy of our intelligence sources and methods, and the anonymity of potentially endangered witnesses and jurors. Perhaps—but even if these other fora can be strained to accommodate the pressing need for occasional secrecy, it does not follow that they are best-suited for the task. And such nonmilitary trials grant an extended pulpit to an accused bent on claiming martyrdom and capable of stirring others to further acts of international terror.

FINALLY, IT IS said that using ordinary civilian tribunals, instead of those the president has proposed, would enable us to put our system of justice on global display and to demonstrate, by conforming our deeds to our words, the long-held attachment to a philosophy of universal law that marks the great divide between our enemies and ourselves. Military tribunals might thus sacrifice a potentially crucial chance to score a victory in the propaganda war, and to overcome the resistance of nations like Spain that will not extradite suspects unless they are tried in civilian courts (and not subject to the death penalty). These are real benefits, and there are others as well—and Congress should consider them. But that doesn't mean the Constitution makes civilian courts mandatory in this wartime context.

In sum, President Bush's order establishing military tribunals goes too far. It should be cut back by Congress, which must not pass the buck to a Supreme Court that is unlikely, if history is our guide, to vindicate constitutional principles in this setting. But this is not to suggest that those tribunals, at their core, offend any fundamental constitutional precept. Congress, and all of us as citizens, must try to view such tribunals, and each related measure the government takes, in their totality—lest by imperceptible steps we gradually make ourselves into an alarmingly different kind of society. But as we resist measures that make us no better than those we seek to disarm and defeat, we must not bind ourselves too tightly to a mast suited only for navigating peaceful seas. ■

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Why the Bush administration will go after Iraq.

Phase Two

By LAWRENCE F. KAPLAN

Within the Bush administration, a debate is raging over where the war on terrorism goes after Afghanistan. But contrary to press reports, the argument isn't about whether to extend the war to Iraq—that question has largely been settled. Last week national security adviser Condoleezza Rice declared Saddam "a threat to us because he is determined to acquire weapons of mass destruction." Echoing that appraisal, President Bush argued, "As for Mr. Saddam Hussein, he needs to let inspectors back in his country, to show us that he is not developing weapons of mass destruction." Asked what would happen if the Iraqi dictator declined to comply, the president said, "He'll find out." Even Colin Powell, not known for favoring punitive action against Saddam, sounds as if he has modified his opinion. Deputy Defense Secretary Paul Wolfowitz has recommended that the United States strike Iraq as soon as "we find the right way to do it." And, indeed, the United States does plan to strike. Unfortunately, it still hasn't found the right way to do it.

Broadly speaking, the Bush team consists of two camps: The first wants to disarm Saddam; the second wants to destroy him. The Pentagon's civilian leadership, led by Wolfowitz and Defense Secretary Donald Rumsfeld, has been pressing for a broad and robust military campaign, launched in conjunction with the Iraqi opposition, and aimed at ousting the Iraqi dictator. So have some National Security Council staffers and Dick Cheney aides. The State Department, meanwhile, favors limiting any campaign to the destruction or degradation of Saddam's weapons of mass destruction. And if this latter faction has been losing the fight over *whether* to take military action against Saddam, it appears to be winning the fight over the scope of the action. Which means good news for Saddam Hussein and bad news for the rest of us.

Those counseling a minimalist approach today happen to be the same people who counseled minimalism the last time the United States confronted Saddam, during the Gulf war. Atop the list is Colin Powell—who discounted warnings of an Iraqi invasion of Kuwait; opposed a show of naval force to deter one; argued against freeing Kuwait once it was occupied; and, after it was finally liberated, insisted that the United States not carry the fight to Baghdad and that it turn a blind eye to the massacre of Iraqis we had encouraged to revolt. The CIA—which exaggerated Iraq's military prowess during the run-up to the Gulf war, and then spent the 1990s botching coup attempts in Baghdad and maligning the Iraqi opposition—has also reprised its Gulf war role. Then there's the State Department's new Middle East counselor, retired Marine Corps General Anthony Zinni (who spent the Clinton years crusading against the Iraqi opposition and warning that they "have very little, if any, viability to exact a change of regime") and the State Department's policy planning director, Richard Haass (who seconded Powell's abandonment of the Iraqi opposition in 1991 and would prefer it stay abandoned). To complete the reunion, none other than Bush père's national security adviser, Brent Scowcroft, and the original George Bush himself have been discouraging Bush fils from extending the war to Iraq. Had he taken the war to Baghdad in 1991, Bush père explained in late October, "[W]e would have seen something much worse than we have now."

But other veterans of the first Bush administration learned a very different lesson from the Gulf war. Wolfowitz has spent a decade anguishing over his failure as undersecretary of defense to overcome Powell's arguments against rescuing the Iraqi insurgents. At the NSC, Iraq point man Zalmay Khalilzad, a former Wolfowitz aide, has pushed aggressively to right yesterday's wrong. So have Rice and her deputy, Stephen Hadley. Another proponent of robust action at the NSC is retired General Wayne Downing, the administration's counterterrorism czar and until recently a close adviser to the opposition Iraqi National Congress (INC). Cheney's chief of staff and national security adviser, I. Lewis Libby (another former Wolfowitz aide), also favors regime change in Iraq. And Rumsfeld, who in 1998 signed a letter stating that "Iraq today is ripe for a broad-based insurrection," has joined the call as well.

Until very recently, it seemed unlikely that the Bush team would be having this debate at all. Having pledged to deal forcefully with Baghdad, the administration spent its first months in office doing the reverse. Though Cheney met with the INC's Ahmed Chalabi last year, and Bush's Pentagon team kept in close touch with the Iraqi insurgents, nothing happened. In fact, like the Clinton team before it, the Bush team declined to authorize the release of congressionally appropriated funds for use by the opposition inside Iraq. Instead, the State Department audited them. Foggy Bottom then launched a plan to ease sanctions against Saddam (which it peddled as a plan to tighten sanctions), and its officials lobbied for scaling back the U.S.-patrolled no-flight zones above Iraq.

Nor did September 11 immediately convince the administration to reverse course. On the contrary, bickering between the State and Defense Departments over Iraqi culpability for the attacks ended up undermining the case for

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decisive action. Powell lectured Wolfowitz that an attack against Iraq would "wreck the coalition" and complained that Hadley had inserted a reference to "further action with respect to other organizations and other states" in a letter submitted to the United Nations. For its part, the Pentagon's Defense Policy Board recommended that the United States target Iraq, and the Pentagon dispatched former CIA Director R. James Woolsey to London (without State Department knowledge) to hunt for evidence of Iraqi complicity. By mid-September, the debate appeared to have been settled in the State Department's favor, when the president ordered that further discussion concerning Iraq await the outcome of the war in Afghanistan. Cheney subsequently instructed Wolfowitz to quell the Iraq maneuvering, and the State Department froze its contacts with the INC and held up a plan to fund opposition television broadcasts inside Iraq.

This came as a particular relief at the CIA, whose timidity on Iraq rivals even Foggy Bottom's. The CIA's reluctance to involve itself in anti-Saddam operations—a reluctance that September 11 did nothing to dispel—boasts a long and depressing history. With the departure of Frank Anderson, the Agency's widely admired chief of Near East operations and a vocal proponent of the Iraqi opposition, responsibility for operations against Saddam fell to a parade of spectacularly incompetent officials. Those officials, with the encouragement of George Tenet—who, as senior director for intelligence programs at the NSC, and later as deputy director of central intelligence, became enthralled with the idea of ousting Saddam in a military coup—gradually turned their backs on the Iraqi opposition. By 1996 Langley had become so indifferent that when the Iraqi army thrust into the Kurdish North in August, CIA operatives fled the country, leaving behind hundreds of opposition fighters to be slaughtered by Saddam. The same year, Chalabi and his American contacts warned Tenet directly that Saddam's agents had penetrated the CIA's coup operation. Tenet ignored the advice. And not long after, Baghdad arrested and executed the coup plotters. Chalabi then took to attacking the CIA publicly, which culminated in the INC's virtual banishment from the intelligence community's deliberations. According to intelligence sources, the CIA's animus toward the Iraqi opposition extends even to Iraqi defectors to the INC, whose information the CIA routinely discounts. Even today, the Agency continues to pin its hopes on officials within the Iraqi government and resists closer cooperation with the opposition. Indeed, administration officials claim Langley's current Iraq point man, Ben Miller, has spent much of his time since September 11 disparaging the INC and musing about how to create an alternative opposition force.

BUT IF THE State Department and CIA quickly reverted to type after September 11, at the White House that day's aftermath eventually changed some minds. Aides say that two post-9/11 realities have convinced the president of the wisdom of turning toward Baghdad. The first and most important has been our military success in Afghanistan, and the template—American airpower combined with on-the-ground proxies—that achieved it. The second derived from Bush's growing recognition of how exposed the United States actually is. "This isn't an abstract issue anymore," explains a Bush adviser. "It's now clear we're vulnerable, and it's also clear the best way to protect ourselves is to eliminate those that threaten us." And Saddam Hussein, universally assumed to have been developing weapons of mass destruction during the three years since the UN inspection regime collapsed, clearly fits the bill. Vice President Cheney has also slowly come around to his staff's view that Iraq should be targeted. "What [Cheney] had a problem with was the timing, not the issue of confronting [Saddam]," insists an official close to the vice president. "He follows the president's lead and had no desire to get out ahead on this." Now he doesn't have to.

BUT THE QUESTION of how to strike Saddam remains undecided. Though the administration continues to debate several options, ranging from a brief air campaign along the lines of President Clinton's 1998 fusillade against Baghdad to an Afghanistan-scale effort, a split-the-difference alternative has emerged. Some officials dub it the "21-day plan." As its name suggests, the plan calls for an intensive air campaign, possibly supplemented by the use of special forces on the ground, lasting several weeks and aimed primarily at eliminating weapons of mass destruction. The idea, originally presented to the Clinton administration during the run-up to its 1998 strike against Iraq, has been gaining traction in recent days. First, the administration would publicly demand that Iraq permit UN weapons inspectors to return—a demand the president made last week. Then, assuming Saddam refuses to cooperate, the United States likely would launch a bombing campaign against Iraqi targets—although that phase, say Defense Department officials, remains months away and likely wouldn't commence before operations wind down in Afghanistan, and possibly Somalia and elsewhere.

Yet these same Pentagon officials contend that efforts to rid Iraq of Saddam's weapons, rather than Saddam's rule, miss the point. "What's the endgame?" says one. "We've been through this routine over and over again, and he'll just rebuild his [weapons], and in a few years we'll be back to square one." Saddam's weapons aren't the problem, these officials maintain. Saddam is.

And, in fact, the rationales for a narrowly tailored bombing campaign are indistinguishable from the rationales for no bombing campaign at all. The first is that the opposition Iraqi National Congress can't do the job. According to INC officials, despite the renewed attention to Iraq, Washington hasn't stepped up its contacts with them in recent weeks. The State Department's Near East desk remains implacably hostile to the INC and, on November 8, it informed the INC that "the Department of State is not prepared to fund INC activities inside Iraq at this time." Two weeks ago Deputy Secretary of State Richard Armitage ordered the Near East desk to release some INC funds. But that hasn't stopped Armitage from trashing the INC as incompetents in interagency meetings. And, according to State Depart-

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ment officials, Zinni, Haass, Powell, and Frank Ricciardone, the Clinton administration liaison to the INC, have been strategizing about how to minimize any future operations against Iraq.

But the INC isn't nearly so ragtag as its detractors contend. It already controls a sizeable chunk of Iraqi territory, boasts thousands of armed fighters, and in its last major offensive in 1995, bested two Republican Guard divisions. Compared to the Northern Alliance, which the State Department also dismissed as a ragtag band, the Iraqi opposition fields a formidable army. The Iraqi military, by contrast, still hasn't fully recovered from its Gulf war defeat, when it lost roughly half of its forces, and today its ground units and fixed assets would be far more susceptible to American airpower than the comparatively low-tech Taliban. In fact, the Afghanistan template might well prove more effective in Iraq than it was in Afghanistan itself.

The second argument for narrow action is Iraqi "stability," a decade-long Foggy Bottom preoccupation. Powell's dictum of ten years ago—"It would not contribute to the stability we want in the Middle East to have Iraq fragmented into separate Sunni, Shia, and Kurd political entities"—remains the State Department's lodestar. Specifically, officials at Foggy Bottom argue that only an opposition force broader than just the Kurds in Iraq's North and the Shiites in the South can overthrow Saddam without creating chaos in his wake. If the opposition alienates Central Iraq's Sunnis by, say, overthrowing Saddam Hussein, Iraq could be plunged into civil war. (Sound familiar? If not, substitute the word "Pashtun" for "Sunni.") But predictions of ethnic turmoil in Iraq are even more overblown than they are in Afghanistan. Unlike the Taliban, Saddam has little support among *any* ethnic or religious group, Sunnis included, and the Iraqi opposition is itself a multiethnic force. In any case, the danger of internecine strife pales alongside the danger of a Saddam Hussein armed with biological, chemical, or even nuclear weapons.

ANOTHER ECHO OF Afghanistan holds that a robust military effort would fracture our international coalition. The Saudis, for example, believe that Saddam's ouster would create more problems for them than it would solve, not the least of which, according to senior American officials, is that the Saudi monarchy might find itself sharing a border with a democracy. The Europeans, too, including British Prime Minister Tony Blair, have played down the possibility of targeting Iraq for fear of infuriating Arab governments. But the obsession with maintaining our international coalition confuses the means and ends of American strategy. After all, a coalition so broad that it deters the United States from prosecuting the war on terror is hardly a coalition worth having. Because different countries bring different sensitivities and demands to the anti-terror coalition, the broader the coalition becomes, the narrower America's freedom to maneuver becomes. And what are we sacrificing that freedom for? Riyadh denies us the use of their airbases and denies our requests to turn over information about Saudi links to terrorism. As for other allies, including the Europeans, their support would be nice. But it hardly amounts to a precondition for a war fought to protect American lives.

Which brings us to the imperative of locating "conclusive" evidence of Iraqi involvement in September 11, another "prerequisite" for American action. Czech Prime Minister Milos Zeman announced on November 9 that, in the months preceding the attacks on New York and Washington, September 11 ringmaster Mohammed Atta met twice in Prague with senior Iraqi intelligence agent Ahmed Khalil Ibrahim Samir Al-Ani. That's not conclusive evidence, but what could possibly be the benign explanation for such a meeting? According to Zeman, the two men explicitly discussed an attack on Radio Free Europe's headquarters in Prague. And while that still doesn't point to Iraqi involvement in September 11, President Bush has declared a war against *terrorism*, not just against those responsible for September 11. Besides, in addition to planning the destruction of Radio Free Europe, Saddam has hosted a terrorist training camp for Islamic radicals (replete with the fuselage of a Boeing 707 on which to train), tried to assassinate a former president of the United States, and eagerly seeks to acquire and develop weapons of mass destruction. This is, after all, a man who, as former UN weapons inspector Richard Butler recalls, "seemed to think killing with germs has a lot to recommend it."

WHICH IS THE fundamental problem: As long as Saddam rules Iraq, there will always be tools for him to kill with. The minimalists think they can eliminate those germs (and whatever else Saddam intends to use) without eliminating the man himself. "The idea would be to get rid of the Iraqi [WMD arsenal], not the government," explains a State Department official. But Baghdad has dispersed and concealed its weapons facilities—a process that has accelerated in recent weeks, according to press reports—and senior military officers say it's doubtful that even an air campaign supplemented by special forces could find and destroy them all.

But in the end, the most compelling argument for ousting Saddam is a moral one. In 1991 Bush père bet that "Saddam would flee Iraq or be killed given the magnitude of his defeat," as he told *The New York Times* last week. But Bush bet wrong, and thousands of Iraqis paid with their lives. Officials who encouraged Bush's decision—including Powell, Haass, and Scowcroft—to this day refuse to concede their mistake. And the elder Bush defends them as well. "That Colin did not want to use force is a grossly unfair, insupportable lie," Bush Sr. insisted in his recent *Times* interview. (Powell's advice, and Bush's uncritical reception of it, are a matter of public record. "We can't make a case for losing lives for Kuwait," Powell complained in a widely reported remark prior to the Gulf war.) Which brings us to an unspoken but powerful argument for maintaining the status quo in Iraq: Toppling Saddam, particularly with the aid of the Iraqi opposition, would topple a few legacies in Washington. And if there's one imperative more important than keeping Iraq intact, it's keeping intact the reputations of our statesmen. No matter how wrong they happen to be. ■

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THE NEW REPUBLIC

Stanley Kauffmann on Films

Wizards of Two Kinds

A HUNDRED MILLION people, who speak forty-six languages, have read at least one of J.K. Rowling's four novels. I have not. Not any of them. I almost read one but decided to wait for the inevitable film. Here it is at last, though my breath has not been bated: **Harry Potter and the Sorcerer's Stone** (Warner Bros.). I have missed Rowling's possibly pleasant prose, but, since her devotees say that the film is fairly faithful to the book, I have learned the story of volume one without having to turn all those pages.

It is the devotees' devotion, frothing away, that sent me to the film. Rowling's books, written for children, have been admired by many adult readers, and though I generally avoid comment on children's films since I don't bring to those films the kind of enchantability that they mostly require, *Harry Potter* clearly had to be an exception.

In one way the story is a great surprise—it doesn't exist. The screenplay, by Steve Kloves, is a series of episodes with not a shred of growth or purposeful drama. Almost all the children's perennials that I can remember, such as *Treasure Island* and *Robinson Crusoe* and *The Swiss Family Robinson*, had stories that gripped, that made me eager to learn the fate of the people I cared about. There were exceptions—*Alice's Adventures in Wonderland* and *Through the Looking Glass*—but Lewis Carroll's genius for making every episode an unforgettable epitome of some aspect of human life is not quite shared by Rowling. Further, Rowling does not share the unique quality of Carroll's imagination that captivates children on the comic-fantasy level yet gives adults pangs of recognition.

This difference is apparent in *Harry Potter*. Some of the episodes are entertaining, and virtually all of them are immediately forgettable. Nothing persists except the yawning absence of continuity in a film that runs two and a half hours. Certainly I am not attempting to predict a child's reaction to the amusingly elaborate makeup by Amanda Knight, the design team's splendiferous costumes, and the transformative effects: I speak as someone hopelessly adult.

Those readers of this column who have not been lost in the Mongolian desert for the last dozen years will know that Harry Potter is an English orphan who is rescued from wicked relatives and sent to the Hogwarts School of Witchcraft and Wizardry. (The sorcerer's stone that shares the title doesn't enter the narrative until very near the end, where it serves only as a last-minute jolt to re-start our interest.) Many analysts of the book's global success have attributed it to Rowling's use of classic myths: the empowerment of a subjugated child, the realization of juvenile fantasy, the wild alterations of school procedures, and so forth. Those more familiar than I with children's fiction of the last century could probably cite other books with all those elements that nevertheless came and went. Rowling's success, like some other incredible smashes, is ultimately inexplicable, I guess. (Amid all the Civil War romances that once were numerous, why did *Gone With the Wind* skyrocket? Was it that much more engaging than all the others?)

The casting of Harry does not help the film. Daniel Radcliffe is an unexceptional boy in every way. But at least the director, Chris Columbus, who did the *Home Alone* pictures, does not make him cute. (A second Harry Potter picture is already in production.) Emma Watson as a classmate is much more taking. Maggie Smith, ever splendid, has a good time as the acerbic Professor McGonagall, and I was able at last to respond to the rotund Robbie Coltrane, who plays Hagrid with tacit affection. But—a last proof that I am incompetent to deal with *Harry Potter*—my favorite scene was a brief one with John Hurt as the proprietor of a wand shop. The very idea of a wand shop, with the exquisite Hurt as its owner, is delightful.

From wizards of necromancy to a wizard of reality. Walter Murch, one of the best of film editors, has published a second edition of his invaluable book **In the Blink of an Eye** (Silman-James Press, 146 pp., $13.95 paperback). First issued in 1995, it is both a technician's and a thinker's comments on the crucial, little-discussed process of editing. (The great Soviet director Pudovkin said that "the foundation of film art is *editing*.") Murch has added thirty-two pages to his book. Since 1995 he has edited, along with other films, *The English Patient* and the restorations of *Touch of Evil* and *Apocalypse Now*, and has done this work digitally. He has "completely re-written and considerably expanded the digital editing section" of his book "as we begin cinema's second century."

Three immediate points. First: like the original book, the additional material is not technically thick: anyone who can use a computer can understand it completely. Second: Murch is not much concerned with the digitalization of special effects and performances and projection. He concentrates on editing. Third: he can write with flavor. Anyone who cares about film can not only profit from this book but can actually enjoy it.

Basically, the difference between the old method of editing and the digital process is that the digital editor need never actually touch a foot of the film. No more clipping and pasting and storage problems. Every one of the takes of a film is entered in a computer, and every frame in those takes is given a number. The editor can then sit at the computer and summon whatever he wants to see, can arrange and re-arrange, eliminate and add, much more easily, I would say, than a writer can revise text. This process must help the editor's flexibility of vision, his sense of structure, his chances for variation.

Some samples of Murch's thought:

> The human imagination is able to recognize ideas more powerfully than we can articulate them. When you are in a foreign country, you can always understand more of the language than you can speak. To a certain extent, every film that you make is a foreign country, and first you have to learn the language of that "country." Every film has (or should have) a unique way of communicating, and so you struggle to learn its language.

Murch then explains how digital editing helps the process.

He has a special vantage point from which to view the much-mooted comparison between television and film.

> Television is a "look-at" medium, while cinema is a "look-into" medium. You can think of the television screen as a surface that the eye hits and then bounces back. The trick with electronic editing, of

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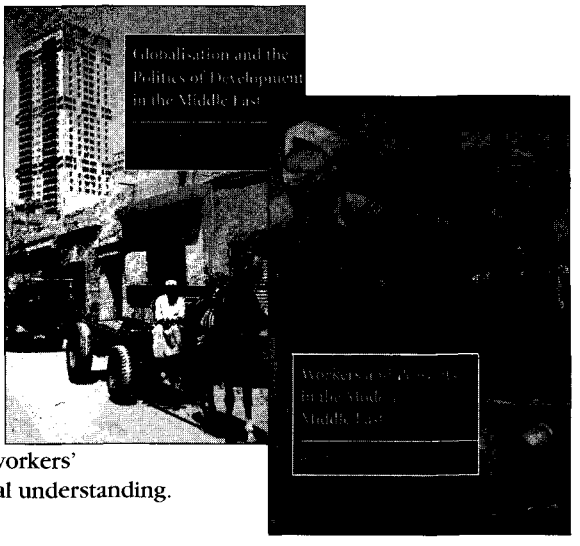

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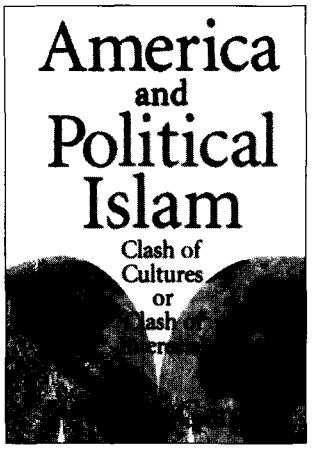

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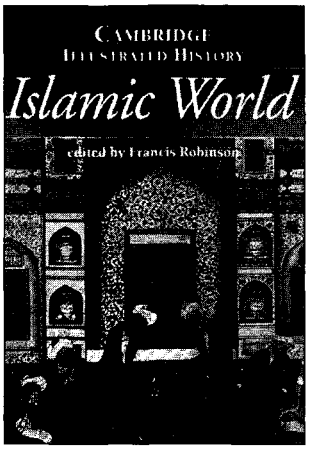

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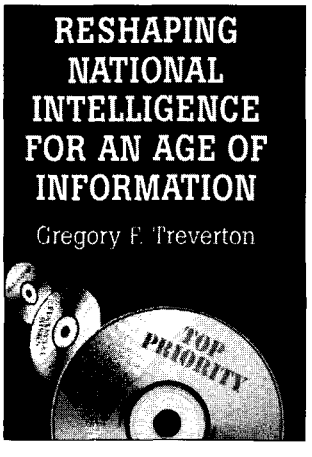

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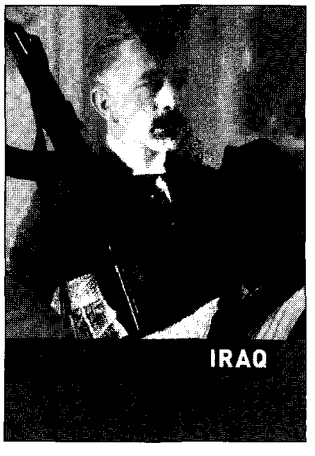

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course, is that since you are watching television monitors, you must somehow convince yourself that these are cinematic screens. You must make "look at" become "look into."

For Murch, film is not merely an added means for entertainment, for storytelling, it is a signal event in the rendering of human consciousness.

> The film is a dramatic construction in which for the first time in history, characters can be *seen to think* at even the subtlest level, and these thoughts can then be choreographed.... This is made possible by two techniques that lie at the foundation of cinema itself: the closeup, which renders such subtlety visible, and the cut—the sudden switch from one image to another—which mimics the acrobatic nature of thought itself.

Intrusively perhaps, I would add a third technique: the sound track, which enables an actor to speak without visibly speaking and thus does away with the traditional soliloquy.

All in all, Murch's book is like being taken into the confidence of a man on the inside, who knows what he is talking about, has thought about what he knows, and can express himself. ■

Robert Brustein on Theater

Varieties of Musical Experience

IT IS REGULARLY observed, particularly around Tony time, that the backbone of the American theater is the musical. Lest this leave you in the dumps about the quality and aspiration of our stage, or concerned about congenital scoliosis in the theatrical vertebrae, let me cheer you up by stating the obvious: that the term "musical" covers a wide variety of lyric offerings, some of them highly ambitious. I recently saw three recent examples of our "native American art form" within days of one another and came away convinced that musicals can be at the same time the most facile and the most satisfying of theatrical experiences.

Mamma Mia!, at the **Winter Garden,** is less a Broadway musical than a Las Vegas road show. It originated in Toronto before sending touring companies to the four corners of the earth, which gives the recently opened New York version the appearance of an afterthought. Whatever its launching site, the show is pure Strip, full of ear-shattering pop and blinding visual glitz. Most of the latter effects have been provided by the palette of lighting designer Howard Harrison, whose computer-generated light plot manages to make a garish dance floor out of the most sober stage surfaces.

The surround sound, on the other hand, comes from the Swedish pop group Abba, familiar to me largely from the *New York Times* crossword puzzle. Their generic disco tunes of the 1970s are at the same time inessential to the show's plot and indispensable to its success. The evening has a book of sorts, invented by Catherine Johnson, that often sounds like an anthology of stale one-liners. (Man: "They call me Pepper." Woman: "Why, because you're hot?" Friend: "No, because he gets up your nose.") But for all the limp jokes and contrived characterizations and artificial climaxes, the book is essentially a clothesline on which to hang Abba's greatest hits. Once in a while there is an effort, with the aid of newly revised lyrics, to relate the tunes to the story line. More frequently, they erupt out of nowhere, decanted into the porches of your ears by the irrepressibly high-spirited cast.

In short, the show is essentially a visual jukebox continually being stuffed with nickels. It is refreshing, I suppose, that it has no higher ambition than to reintroduce Abba's old hit tunes to a nostalgic audience. The title, *Mamma Mia!*, would seem to imply an evening of pasta-making and breast-feeding; but it is merely the name of one of Abba's gold records. The show takes place not in a Roman pizzeria or a Sicilian bar, but near a private home on a Greek island. At least we're told it's a Greek island: aside from a few native extras who drop by from time to time to suggest local color, the population seems to consist almost entirely of singing, dancing, and clowning American fools. Does this matter? Of course not. The characterizations, like the plot and the setting, are simply pretexts for the thirteen-member cast and the ten-piece band to drive ballads and rock numbers into your brain like electronic nails.

I know that you are panting to hear the story. *Mamma Mia!* concerns a soon-to-be-married young woman who has learned that her father may be any of three middle-aged former lovers of her mother, an erstwhile rock singer. She invites them all to her wedding on the idyllic isle where Mom has been living, without bothering to tell her. The rest of the story consists of variations on this single plot line, which works itself out in a manner guaranteed to tax your patience, if not your imagination.

I am gratified that this energetic, show-busy cast is looking forward to many years of employment (Louise Pitre as the mother is particularly deserving), and that the English director Phyllida Lloyd has profited from her slumming trip to the United States. The royalties that she is earning will subsidize a lot of her future work with the Royal National Theatre and the Royal Shakespeare Company. A tip to the reader: don't leave before the curtain call. Changing into a different version of Mark Thompson's glossy gaucho costumes for each song, the cast pounds out three additional numbers, including the apparently legendary "Waterloo," in a sequence that is the most rousing part of the evening. It got even my hardened old heart pumping, proving Noel Coward's dictum that there is nothing more powerful than cheap music.

Mamma Mia! promises nothing and manages to deliver. **Urinetown** promises considerably more and delivers even less. Much of that promise can be found in Scott Pask's scenic design, which creates a startling effect when you first enter the **Henry Miller Theater.** The entire proscenium has been removed and on the stage are metallic stairs and a metallic platform against the background of a dirty white brick wall. All the lighting instruments are in full view, rotating like prison searchlights. A platform extends right into the laps of the audience.

This is virtually an advertisement for Epic Theater. And when the band strikes up its overture of tinny cabaret music (written by Mark Hollmann) and a corrupt cop named Officer Lockstock (Jeff McCarthy) begins to stalk the audience,

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breaking the fourth wall, we sense we are in for a hard-boiled evening of Brechtian politics and Weillian music. *Urinetown* has an unusual premise: a twenty-year drought has created such a serious water shortage that all the crappers in town have been privatized by a particularly venal corporation called (ouch!) Urine Good Company. To ask why the townspeople don't go off into the woods to relieve themselves rather than pay exorbitant fees to the evil capitalist Caldwell B. Cladwell (John Cullum looking like General Douglas MacArthur) is to put more strain on the argument than it can bear. Suffice it to say, with its shadowy lighting and its film noir atmosphere, this caca cantata in pee flat (it's catching!) seems to be setting us up for a ferocious political satire on capitalism.

It ends up, rather, as a satire on show business, particularly on a genre of the American musical of which it is more an example than a travesty. Just as Weill's influence on Mark Hollmann's music is limited to the orchestration rather than the songs, so the Brechtian echoes in Greg Kotis's book and lyrics are mainly there for sending up agit-prop conventions. But the satire is facile, and it does not always escape the conventionality it lampoons. The hero gets killed, and his girlfriend (the capitalist's daughter) takes up a rifle, Patty Hearst–style, against her father. But the tone of the evening is so ambivalent and uncommitted and frivolous that ultimately you don't care about the fates of any of the characters.

Urinetown is *Cradle Will Rock* with a self-satisfied smirk, *Happy End* with a superior sneer. In his self-amplified baritone bellow, Officer Lockstock (his sidekick is named Officer Barrel) has most of the mocking asides, from his first entrance—when he warns the audience that *Urinetown* "is filled with symbolism and things like that"—to his concluding defense: "I may be a cop but I'm also the narrator, so nobody can touch me if they want this show to end." But it is a sign of the uncertain tone of the evening that he ends up being the most appealing character on stage.

The cast is talented and hardworking, and sometimes the satire is amusing, particularly when it is turned on simplistic musical conventions (such as the spiritual number "I See a River Flowing for Freedom," in which cripples shed their leg braces—and fall down) and on political sloganeering ("there is a way to find that bright new day we'll find together ... tell all the people, tell them the time is always now"). But aside from lacking sufficient wit, the book and the lyrics too often seem to mirror a time without belief or commitment, half-dead at the top. If you want to see a really uncompromising version of *Urinetown*, you will have to get tickets for *Chicago*, playing down the street.

I have saved my best example for last. It is more an opera than a musical, and I caught it in a brief workshop at the **Boston Conservatory** (it will undoubtedly have a longer life elsewhere). In addition to being one of the most powerful operas of the last decade, **The Screams of Kitty Genovese** gave me hope for the renewal of musical theater.

The Screams of Kitty Genovese has a story and libretto by the American playwright David Simpatico, and music and orchestration by the English composer Will Todd. It tells the now infamous story of a young Queens woman who, one night in 1964, upon returning from an evening on the town, was repeatedly stabbed in front of her apartment house by a psychopathic necrophiliac who sexually abused her corpse. Thirty-eight of her neighbors watched the murder from their windows, too frightened or indifferent to call for help. The event resulted in the establishment of 911 as a speedy way to fetch the cops. But March 13, 1964 obviously had a lot more significance for American urban dwellers than that: it was the date when we realized that "the world as we know it will never be the same."

The music shows some of the influence of Benjamin Britten in its orchestration (largely brass and woodwinds and percussion). But it has a startling contemporaneity as well, in the way that it takes ordinary characters in ordinary situations and provides them with a large stage presence. This quotidian amplitude is reinforced by

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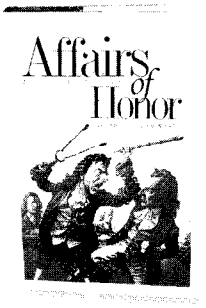

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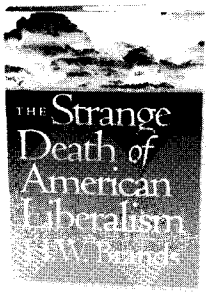

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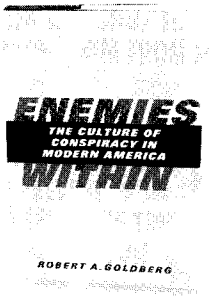

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the opening aria of Frannie (Mary Webster), an aging consumer of movie magazines, who sings about Liz Taylor stealing Eddie Fisher from Debbie Reynolds, about Martin Luther King winning the Nobel Prize, about the riots in Watts, in music of size and intensity.

The lives of the other convincingly authentic characters in the apartment house melt into each other through song (choruses such as "Just another night," in which the banality of an evening in Queens acts as an ominous prelude for the horrors to come). These characters include a woman having an extramarital affair with her husband's automobile mechanic, a couple singing a lullaby to a new baby, a resentful superintendent, a young body-builder, a castrating wife and her couch-potato husband. But the central characters are the doomed couple, Kitty Genovese (Cori Pfeffer) and her relentless stalker Winston Mosley (John Michael Dias).

When we first see Kitty, she is on the street, full of life, fixing her hair and her lipstick, excitedly anticipating a night of fun. Later she returns after a fling with the girls, her heels killing her, daydreaming of her Mystery Man. A Mystery Man appears all right—not exactly the one she was looking for—to stab her in the stomach in the first of his repeated assaults. She pleads to her attacker, "Don't let me die young," and warns him that people can see what he is doing. But he stabs her again and again and the onlookers do nothing, some because of panic, some because of anomie.

In her death agony, Kitty sings about how she wanted new shoes, a Siamese cat, a rocking chair, a lover's touch, and, most of all, the intervention of compassionate neighbors: "Who are these people I pass every day?" But for those people it is "just another night." Mosley, raving that women are monsters and deceivers, gives her the death thrust, then cuts off her clothes and rapes her dead body.

The newspaper headlines, several days later, describe the murderer (who had killed and raped two other women) and condemn the mute witnesses, thirty-eight neighbors who looked on and did nothing. Most of these people continue to take refuge in self-deception, singing a chorus of "Let's pretend it never happened" after the orchestra has underscored the tension with insistent rhythms and a pulsing drumbeat. All are returning to their customary lives and their customary amnesia with a repeated mantra, "I never heard the screams of Kitty Genovese."

But the spirit of Kitty Genovese is still there on stage, screaming for help. The scream rises to an almost unbearable crescendo, capping the choral denial, and the stage blacks out. It is a stunning conclusion. Simpatico and Todd have fully explored this not-so-isolated instance of civil anarchy, wringing our hearts while stinging our conscience. With the aid of a highly talented all-student cast, discreetly directed by Neil Donohoe, they have produced a powerful evening of musical theater, one with the prime ingredients of classical tragedy: pity and terror. ■

Details, Details

By CHRISTINE STANSELL

Theodore Rex
by Edmund Morris

(Random House, 772 pp., $35)

The Selected Letters of Theodore Roosevelt
edited by H.W. Brands

(Cooper Square Press, 464 pp., $32)

EVERY SEASON, A well-heeled and beefy biography of a great leader muscles its way into the manly company of other brawny books on presidents, generals, and statesmen. These books make up a huge proportion of the books that the public identifies with modern history. An odd amalgam of old and new, they descend from ancient models of scholarship and their venerable offspring, the great chronicles of statecraft and male leadership written by Plutarch, Gibbon, and Macaulay, multi-volume works that have fascinated centuries of readers. And yet the viability of the new historiographical blockbusters is owed entirely to the very latest in book packaging.

These volumes perfectly embody the book as "product." With their heft and bulk, their lustrous covers (often in the warm brown tones that signify, for Americans, the distant past), and their pleasantly modest prices, they promise more for your money—even more so once the chain stores kick in their sizable discounts. Optimists point to the booming sales of such "serious" non-fiction as evidence that Americans have not given up reading. These books, in their neo-Victorian girth, seem to attest to their owners' serious and sustained immersion in the past. Prominently displayed with the other appurtenances of status and self, these books preside over living rooms and dens, announcing a gentlemanly, and occasionally a ladylike, devotion to learning, and linking homes to an earlier age when gentleman scholars—Theodore Roosevelt, for one—pored over thick tomes in gloomy, well-appointed studies graced by dark, lustrous oil paintings like those reproduced on the covers.

But buying a book is not the same thing as reading a book. These biographies are too often the equivalent of the coffee-table books that you see in photographs in the lifestyle pages. They may be perused for a couple of chapters, but then they are almost certainly put down. Possessing them signifies an abstract interest that the cumbersome narratives themselves cannot actually support. This is a huge problem for historians, and for readers, and for literacy about the past. The problem is all the sadder and more vexing because there have been stunning changes over the last thirty years in serious historical writing. But those changes do not register in books such as *Theodore Rex*, books that are hawked as *le dernier mot* in American history. Edmund Morris appears to be unconcerned that a self-respecting reader will find it impossible to slog through the mass of detail that substitutes, in his method, for historical comprehension. He has written a buyable book, but not a readable book.

Theodore Rex is the second part of Morris's study of Roosevelt. (The first, *The Rise of Theodore Roosevelt*, was published in 1979, and a revised version, "redesigned to conform with *Theodore Rex*," has just been issued by the Modern Library.) Morris utilizes the contraptions of the so-called "new narrative history"—piled-on adjectives, encrusted

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scene-setting, slathered-on detail, quick cuts, pastiche, and a bouncy, boosterish authorial voice—to tart up an account that is devoid of ideas, empty of analysis, and ignorant of social context. It is a story that, for all its hyper-animatedness, all its flips and furbelows of style, is confusing and wearisome.

This is too bad, since Roosevelt and his times have been a magnet for fine scholarship. Over the last two decades, historians studying the Progressive era from various angles have proposed a set of rich and critical interpretations: TR the proto-eugenicist, TR the renovator of masculinity, TR the liberal nativist, TR the compromised conservationist. In the past few years the entire reform movement to which Roosevelt was connected in exceedingly complicated ways has come in for a fascinating re-appraisal. The sprawling network of the turn-of-the-century Progressive movement was composed of socialists, labor sympathizers, efficiency experts, ambitious professionals, and patronizing philanthropists. To historians formed by the radical hopes of the late 1960s, these people long appeared as sell-outs to corporate power who concealed their own interests in the guise of the greater good and co-opted the class consciousness of the workers whom they claimed to champion. But now, against the backdrop of liberal defeat in recent years, the Progressives are beginning to look pretty good. To a handful of historians willing to take a fresh look, their ideas about broadening the provenance of public services, their faith in the creative powers of the American citizenry, and their savvy in using electoral politics to bring about substantial change seem impressive and instructive.

In all this well-wrought scholarly work there lies the opportunity for an intelligent and inquisitive popular biographer to write a book that brings all these enriching perspectives to bear on Roosevelt's vibrant, paradoxical personality. Such a writer would work to understand Roosevelt's fascinating mix of garden-variety racism, disdain for educated women, hostility to big business, hunger for power, personal charm, plutocratic dogma, wavering democratic impulses, "big stick" arrogance, and diplomatic finesse. Unfortunately, Edmund Morris lacks the curiosity to take on the task. He shows no interest in understanding change in government, in the presidency, in American society, or in the world. Like a hustling New York publicist, he wants only to glamorize. Thus the "Theodore Rex" of the title, a trope lifted from the sensationalist press of Roosevelt's day, and one that betrays Morris's own imaginative roots in the bygone era of Princess Di.

"Theodore Rex" as the framing notion of a life of Theodore Roosevelt is abysmally wrong, because it is wildly inaccurate—America does not have kings—and because it asserts what needs to be explained. Roosevelt was a political dazzler, but he was not remotely a monarch. Something of a lightweight when he came to the presidency after McKinley's assassination in 1901, he invented the modern presidency, garnering more power for his office than any of his predecessors since Lincoln. He wrested it from a Congress packed with plutocratic fat cats, a body that had more or less ruled the federal government since it decimated the presidency by impeaching Andrew Johnson. Roosevelt's extraordinary achievement in creating an executive branch defined by aggressive policy-making, by an unprecedentedly active engagement in domestic matters and foreign diplomacy, demands analysis.

This was an "accidental" president, Morris points out deep in the book, who when he first assumed office had to take whatever weak measures he could coax out of the Senate. By the end of his tenure, however, he set the terms of legislation. How did he do it? Morris never supplies an overriding answer, or anything like an argument. Instead he falls back for an explanation on his protagonist's vigor and charisma: on the old adventure story of TR.

Unquestionably, Roosevelt's immense energy, intelligence, and determination contributed to his political success; but the psychological explanation is inadequate to understanding the assemblage of power, money, and popular pressure whose elements he manipulated—that is to say, to understanding early twentieth-century American history, its protagonists, and its vectors of force. Over the seven-plus years that Roosevelt was in office, the pampered young patrician became the tough, shrewd broker of a pressure politics of reform with a long list of contentious subscribers and fellow travelers. At one time or another, he alienated most of them; but he had an uncanny gift for gathering the strays back into the fold.

Morris did not bother to think up a title that is both flashy and historically intelligent, or to learn what other historians think about Roosevelt, because he is fundamentally uninterested in the past—I mean in its distinctness from our own present, its peculiar sources of action and inaction, its sources of fondness and contempt, its blind spots and its visions—in everything that the late historian Warren Susman called "the pastness of the

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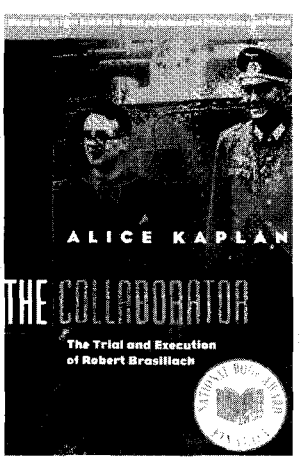
The Trial and Execution of Robert Brasillach

ALICE KAPLAN



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past." For Morris, history is a made-for-TV movie, with accuracy and precision reduced to questions of costume and set design. There is much costuming and stage-setting in Morris's tale, which follows Roosevelt's presidency month by month (sometimes hour by hour) and event by event. Repeatedly you come upon what seem like helpful hints for screen adaptation, with set-ups for the cinematographer and lines for the screenwriter.

Morris likes to reproduce attributed speech as if he actually overheard it, at times resorting to supposedly verbatim dialogue, which he lifts from journalists' accounts and secretaries' transcriptions. These exchanges tell little, as in this transcription of a phone conversation about the New York governor's race in 1904.

> ROOSEVELT Who is this?
> SCOTT Mr. Scott.
> ROOSEVELT What is this I hear about Higgins? I hear there is some danger of his being defeated.

Roosevelt concludes after batting around a few more questions and answers, and it's a wrap. The set piece trails off into inconsequentiality; but its significance for some understanding of Roosevelt's history is not the point. The passage is there for the you-are-there effect. It is public television on the page. Another production of authentic TR talk is set at a commencement procession at Harvard, his alma mater, in 1902. Roosevelt banters with an old classmate, the novelist Owen Wister, and another crony.

> ROOSEVELT (*calling*) What are you fellows dangling behind for? Come alongside.
> WISTER (*hurrying to catch up*) Unconditional surrender?
> KANE Absolutely, old man.

Though this exchange is reproduced as if Morris had inadvertently picked it up on his tape recorder, Morris actually takes it from Wister's recollections, published twenty-seven years later, which are no more literal than anyone's three-decade-old memory of casual conversations.

MORRIS HAS THIS peculiar idea that a master historian is a master eavesdropper. In *Dutch*, his "biography" of Ronald Reagan, Morris inserted himself as a character in the story. Roundly trounced for his literary pretentiousness, Morris omitted the historically useless device this time around. There is no character called Edmund Morris in this biography of Theodore Roosevelt, which is a small mercy. Yet in another way Morris is as ubiquitous in the action as he was in *Dutch*, an eager-beaver journalist hustling us around—after a while one imagines him in a straw boater and suspenders—vaunting his insider's savvy and his appetite for the big scoop.

The protagonists in *Theodore Rex* appear not as historical actors but as "characters," who move on and off the stage with paraphernalia intended to incite instant visual recognition but are denuded of any deeper historical meaning that might nourish the intellect alone. The most superficial markers—physiognomy, height, weight, hairstyle, dress, accent—distinguish one person from the next. In a typical walk-on encounter, two high-rolling lobbyists for the Panama Canal visit Roosevelt. The first, a New Yorker, is "pop-eyed, cherubic, curly-haired," with a "cute dimple in his pink chin" and "a soft silvery mustache." The second, a Frenchman, bristles with "gamecock fierceness, all frown and spiked mustaches. Had he stood a foot taller, he might have looked as formidable as he in fact was." Such descriptions are repeated endlessly, with particular attention to mustaches—a period detail that Morris loves—and stereotypical national traits: Gallic fierceness in this passage, a Teutonic neck elsewhere, Japanese diplomats with "eyes black as calligrapher's ink," a Venezuelan who is "simian in appearance." And when there is no colorful individual or fetching anecdote to carry the action, Morris simply forgoes explanation. The Boston-based Anti-Imperialist League, for example, a forceful player in the vexing negotiations over the disposition of the Philippines (which the United States ruled after the Spanish-American War) and a constant political irritant to Roosevelt, appears by name, but without any exposition of its membership or its ideas or its sources of political leverage.

Building up a thick ambience of trivia—a dog named Skip, the frigid temperatures in the newly renovated White House—Morris works to mesmerize his readers, or more precisely to pander to them, with a tiresome and profoundly anti-intellectual you-are-thereness. We stand with Morris at TR's shoulder as his train rolls across the prairies; we are flies on the wall at the peace talks at Portsmouth, New Hampshire, to end the Russo-Japanese War. ("Roosevelt alone seemed at ease, talking warmly and incisively, nudging his guests by degrees toward an open door, through which was visible a buffet table and no chairs. Then, briskly, like a Park Avenue hostess, he said, 'Mr. Witte, will you come in to lunch with Baron Komura?'") We leer as the little green snake that his self-

Run

Wanted solitude, feared it
Wanted to run, always somewhere new
Blank streets of the poor blocks, front yards with chain-link fence
Hospital buildings sealed, monumental
Wanted no faces in the windows, no visitors coming with roses

At places to turn back kept going
Wanted the loop larger, taking more in
Small abandoned factories that made boxes, candy, soap
Soot-fuzzed louvers, glass underfoot
Wanted the lungs to tighten—three, then two steps to a breath

Wanted solitude, kept turning off the big streets
Found loose dogs growling in driveways, car parts on porches
Sidewalks swallowed in weeds
Gravel—wanted the slide of gravel at sudden dead ends
Having to turn back uphill

Wanted to slow but would not stop
Wanted to come back some different way
Yellow lamp glow of other lives
Old parking lots, the closed-off stories of cars
Dreamed up over and over

Wanted nothing known, all to be imagined
Glint of winter sunlight off windows
Late streets empty, echoes muffled on brick
Feared solitude but wanted the loop larger
Wanted everything breath could hold

Don Bogen

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dramatizing daughter Alice carries around slithers into her bosom.

There is a great deal of razzle-dazzle about meaningless factuality, but there is painfully little interest in significant facts. When Morris stumbles upon the mention of a Chicago meat-workers' strike in the presidential papers of 1904, he does not identify it—apparently because he does not know it—as the sensational packing-house-workers' strike that riveted public attention. Nor does he connect it with Upton Sinclair's sensational fictionalized account of the meat-packers' battle in *The Jungle*, although he treats the book in a section about Roosevelt's overtures to Sinclair in connection with the passage of the Pure Food and Drug Act. But chains of causation are not the basis of Morris's writing. He favors the episode, the set piece. Brilliant historians have used precise description and vivid evocation to get at big questions about how the lives of individuals are implicated in large historical movements; but Morris does not even see that big questions can be broached.

The miscarriage of intelligence and the shoddy research are especially evident in Morris's use of contemporaneous language. His favorite sources, besides the presidential papers that he takes as gospel truth, are the newspapers; and he feels a strong kinship with the overwrought hyperbolic language, with the "color," of the turn-of-the-century yellow press. Some of this is just cornpone: Alice Roosevelt is courted by "the richest bucks in town" when she makes her debut in Washington. But some of it is obnoxious, saturated with the assumptions of contemporary observers who described complicated American realities in social Darwinist terms, placing "Anglo-Saxon" natives at the top and other "races"—including groups that we would now call "ethnicities"—below them in descending order of "fitness."

Morris provides no counterpoint of his own: he uses the words of the time as if they were adequate to capture the historical truth. There are the "grinning black porters" whom Roosevelt passes on a train—a step'n-fetch-it description culled, presumably for its liveliness, from a journalist. There are the militant workers in the bitter coal miners' strike of 1902, "Slavs" in Morris's characterization. Roosevelt's successful mediation between the union and the intransigent owners was an extraordinary success, and one of his first experiments in using executive power for altogether novel purposes, and the strike occupies Morris for an entire chapter; but he never bothers to investigate anything about these people called "Slavs," a racial category of the day that designated Eastern European Christians. Were they Russians? Poles? Serbs? A mixture of nationalities? It would be easy enough to find out, and helpful for modern readers

Theodore Roosevelt
by Alexandra MacMaster
for The New Republic

interested in what sort of people made up Roosevelt's America. Slavs then turn into "maddened Slavs." And further on we meet an "archetypal Slav," in the person of a Russian diplomat, a man who is truly Slavic in that he discharges "Slavonic melancholy" "like a fog over the Volga." The melancholic Slav is compared to his predecessor as being "as Russian as borscht." Morris seems to think that such writing is exceedingly *mondaine*. But it is exceedingly shallow, and rather tacky.

All serious historians or biographers, popular or academic, work with the advantages of retrospection. Their gift is not time travel, but the ability to comprehend the past in ways that its participants could not. But the gift brings its own rigors: weighing evidence, judging its usefulness, learning enough to know when the evidence poses a question. Great lives may be lived as an adventure, but they cannot be properly understood as merely an adventure story. For Morris, writing in a feverish dream of ersatz actuality, the requirements of responsible historiography are cumbersome and distracting. He is satisfied with recycling whatever tricks up the story. Prejudices, uncorroborated judgments, and speculations of the time abound, slopped around as all the historical verities that readers need.

Thus Morris tells us that a White House reception in 1903 created a dustup when Roosevelt invited a few black Republican office-holders and Southern congressmen left in a huff over the president's laxness in mixing the races. The Southerners were accustomed to seeing a few African American Republicans at official functions, Morris explains, but this time the wives came as well. "No black women," he concludes, "as far as anybody could remember, had ever been entertained at a private function at 1600 Pennsylvania Avenue." As far as anybody could remember? This is a matter of historical record, possible to prove or to disprove—and checking out the truth would cast some light on the extent of Roosevelt's racial progressivism. But for Morris, why worry? An opinion slung around at the time is sufficient, since that is all that you would know if you were there. It seems never to have occurred to Morris that the historian's trick is to know more than the people who were there.

Roosevelt, of course, is the most colorful character of them all. A worked-up passage—there are hundreds of them—from the book's beginning illustrates the method of scene-setting.

> Roosevelt awoke refreshed early the next morning. "I feel bully!" He went out onto the porch for some air, unaware that he was being minutely observed through the fence. His tanned skin stretched over his jutting jaw. His teeth gleamed through thick, half-parted lips. His neck, too

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> squat for a standing collar, merged with weight-lifter shoulders, sloping two full inches to the tip of his biceps, and his chest pushed apart the lapels of his frock coat. He tugged at his watch chain with short, nervous fingers, shifting his small, square-toed shoes. Here, palpably, was a man of expansive force.

The film close-up would be fine if it set us up for something more. But "a man of expansive force" is as far as this book goes in venturing an interpretation of this man, here or anywhere else.

THEODORE ROOSEVELT DESERVES better, as his own writing shows. With H.W. Brands's briskly and knowledgeably edited *The Selected Letters of Theodore Roosevelt*, readers can tap into TR's inner intellectual and emotional life, a realm that does not particularly interest Morris. Brands introduces each section with a succinct, impeccable summary of the relevant political and personal biography; and his short presentations of the presidency clarify events and turning points. How vivid and animated Roosevelt's own extended thoughts are compared with the busy, muddled theatrics of *Theodore Rex*! Newly returned from a train trip west in 1903, Roosevelt ruminates on the crowds who greeted him at the whistle-stops: "the usual audiences," he terms them, "of grizzled, bearded, elderly men; of smooth-faced, shy, hulking young men; of older women either faded and dragged or exceedingly brisk and capable; and of robust, healthy, high-spirited young girls."

Morris would take such a passage as a description of the walk-on roles of "members of the crowd." But its importance lies elsewhere, in what Roosevelt made of what he saw.

> Most of these people habitually led rather gray lives, and they came in to see the president much as they would have come in to see a circus. It was something to talk over and remember and tell their children about. But I think that besides the mire curiousity [*sic*] there was a good feeling behind it all, a feeling that the president was their man and symbolized their government, and that they had a proprietary interest in him and wished to see him, and that they hoped he embodied their aspirations and their best thought.

One senses, here and elsewhere in the "President" section of the *Selected Letters*, a man who is finding his way, hindered by an inheritance of Victorian sentimentalism and arrogance, but hastened, too, by a startling appreciation for powerful vectors of change—from the "best thought" of common people to the circus-like qualities of modern political spectacle.

Roosevelt is a captivating writer. A reader of extraordinary breadth, he lived a good deal of his life amid highly crafted language; and it shows in the sheer pleasure that he took in putting words on paper. The letter about the western trip in 1903 runs on for eighteen pages in this selection, and really, one never tires reading it. A deeply literary man, Roosevelt scarcely resorted to literariness; he wrote in American plainstyle, colloquial and unaffected. He did not write for effect. He was not a religious man, and one misses the biblical cadences of his great literary predecessor Lincoln, whom he read steadily for moral fortitude; but his plainspokenness offers other pleasures. "It is a dreadful thing to come into the presidency this way," he admits to Henry Cabot Lodge after McKinley's death, "but it would be a far worse thing to be morbid about it." To his oldest son in 1904, he summarizes his prospects for re-nomination and cautions that "I do not write you such letters all the time because I do not want you to feel that all my correspondence with you is of a stilted and Chesterfield's letters-to-hisson [*sic*] style."

Although Morris hardly notes Roosevelt's imaginative connection to Lincoln, the struggle to re-assert the ethical heritage of the Republican Party is evident in his correspondence. "I have been reading Aristotle's *Politics* and Plutarch's miscellany, and as usual take an immense comfort out of the speeches of Lincoln," he writes to Lodge in 1903. And, movingly, to Theodore Jr. in the same year: "I am very busy now, facing the usual endless worry and discouragement, and trying to keep steadily in mind that I must not only be as resolute as Abraham Lincoln in seeking to achieve decent ends, but as patient, as uncomplaining and as even-tempered in dealing, not only with knaves, but with the well-meaning foolish people, educated and uneducated, who by their unwisdom give the knaves their chances; and that I must show the same spirit in painfully groping to find the right course." Here is TR painfully groping to find the right course, and here is his biographer doing precisely the opposite.

For all of Edmund Morris's enthusiasm for Roosevelt, his intention to Rexify him has the paradoxical consequence of trivializing him. This long book actually robs its subject of his enormous interest. *Theodore Rex* is an impediment to a proper understanding of Roosevelt, because it is indifferent to meanings and infatuated with surfaces. It is entertainment with endnotes. Roosevelt's own prose shows how misdirected such a biographical venture is, since he himself, a lover of history, was constantly searching out the meanings behind effects, weighing the evidence and the adequacy of big theories to account for it. In this spirit he mulled over the meaning of Lincoln's ideas about African Americans, the meaning of "the great racial question" in world affairs, and the meaning of the books that he read for the actions that he took. "It certainly adds to one's pleasures to have read history," he wrote to his son Kermit on his way back from Panama in 1906. If only his biographer had taken the cue. ■

Her Own Society

By HELEN VENDLER

My Wars Are Laid Away in Books: The Life of Emily Dickinson by Alfred Habegger

(Random House, 764 pp., $35)

THE NEW BIOGRAPHY of Emily Dickinson by Alfred Habegger is a serious and scholarly marshalling of the facts of the life in chronological order. It uses the poems as proofs of one or another trait or conviction that the biographer perceives in the poet. It departs from the excellent biography of Dickinson by Richard Sewall, which appeared in 1974, precisely in this insistence on the chronological, and in its relative disregard of Dickinson as a poet and as an intellectual.

Sewall's two volumes aimed decisively at a full and historically informed life. Whereas the first volume offered "background," the second volume presented

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Dickinson's life in "clusters," through which we see, in roughly chronological order, Dickinson as she related to, and corresponded with, a series of family members and friends. (These chapters have titles such as "Charles Wadsworth" or "The Norcross Cousins.") Sewall's biography remains a fascinating book. His revelation of the affair (countenanced by Emily) between Dickinson's brother Austin and Mabel Loomis Todd, the wife of an Amherst College professor, threw new light on the family tensions. Since Sewall's time, though, no major information about Emily Dickinson's life has come to light. Habegger makes good use of contextual material about life in Amherst and about Dickinson's relatives and friends that he and other scholars have recently discovered, but he has no new factual revelations concerning Dickinson herself.

One can absorb a fine impression of Dickinson's outward life from Sewall (who was greatly indebted, as he acknowledged, to Jay Leyda's painstaking determination of the chronology of Dickinson's life in *The Years and Hours of Emily Dickinson*, which was published in 1960, and to Thomas Johnson's sensitive *Emily Dickinson: An Interpretive Biography*, which was published in 1955). Yet it is hard to derive from Sewall's pages a sense of the distinctiveness of Dickinson's poetic sensibility, except in his closing chapter, titled "The Poet"—as though the poet had to be sequestered from the person. In his unfolding of the life, Sewall generally restricted his comments on poems to their thematic content, the aspect least instructive about a writer's practice.

Even when Sewall believed that he was discussing "form," what he meant by the word was "narrative events." Here is his comment on the poem beginning "There came a Day at Summer's full":

> As to the form of the poem, it is as carefully wrought as even [Thomas Wentworth] Higginson could have wished: the two stanzas of narrative introduction, with their beautifully modulated tonal setting and promise of revelation to come; the four stanzas describing the hushed and holy meeting, the pledge, and the parting; the final stanza with its vision of a celestial union. The total journey of the poem, from a lovely summer day with sun and flowers to the beatific vision won through loyalty and suffering, is achieved with modulation and control.

Sewall's all-purpose praise words—"carefully wrought," "beautifully modulated," "modulation and control"—would do for almost any successful poem. They tell us

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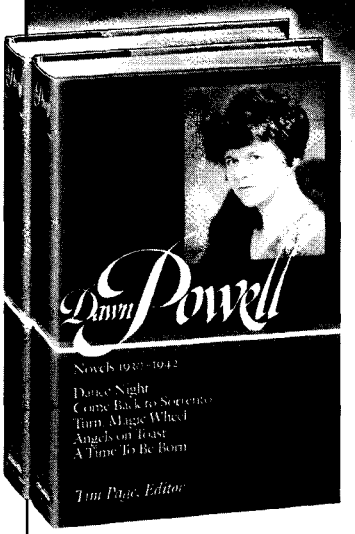

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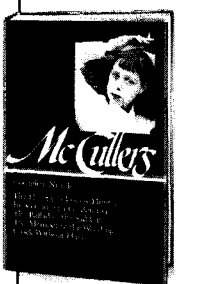

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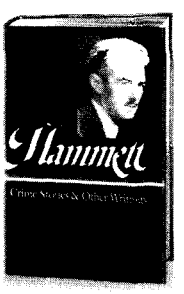

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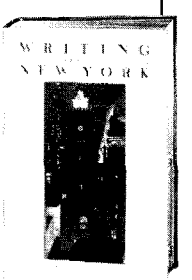

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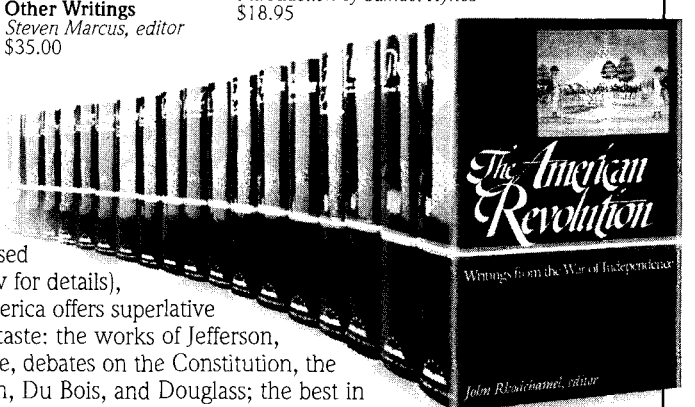

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nothing about Dickinson's mind—its idiosyncrasies of view, its astonishing choice of words, its significant formal investigations, its powerful revision of traditional genres. And even in his final chapter, Sewall has to resort to the usual generalizations (newer then perhaps than now), calling attention to "her love of colloquialism and wit; her feeling for precision and her tendency toward the analytic; her habitual economy of form ... her poignant exploration of the dark interior," and so on. There is no attempt to sketch a full "biography" of the inner life of the poet: perhaps Sewall thought, given the difficulty of dating the poems, that the attempt would be futile.

Habegger avoids formal words of making ("wrought," "modulated," "control") of the kind resorted to by Sewall. His usual method of dealing with a poem is to cite a bit of it and translate it instantly into biographical circumstance. If there is no biographical circumstance, the poem becomes irrelevant to his purposes. (His comment on three of the most crucial poems—"After great pain," "I felt a funeral in my Brain," and "I like a look of agony"—is that "these three poems ... aren't known to have been shown to anyone." They are consequently not discussed in the biography.) Although Habegger's citations from the verse always wish to illustrate something about Dickinson, the connections that he draws are often tenuous, and sometimes they are misleading.

Let me give one instance. Although there is no evidence connecting Dickinson's famous poem "The Soul selects her own Society" with her friend Samuel Bowles, Habegger, after deducing a breach between Bowles and Dickinson, quotes the close of "The Soul selects" and asks (of Bowles's "nagging sense of failure"): "Did it make it worse that Dickinson slammed shut on him—'Like Stone'—the valves of her attention?" Using this poem as evidence, Habegger wishes to show that Dickinson was capable of serious withdrawal (of "slamm[ing] shut" her attention) when she felt that her confidences had been betrayed.

There are at least two things wrong with such a citation at such a place. First of all, "The Soul selects her own Society" does not concern revenge; it relates the momentous choice of a single beloved. The Soul, uninterested even when an Emperor comes asking for her hand, finally selects her own Society of One, then turns away from the "ample nation" of suitors in favor of her "divine Majority" with the beloved:

The Soul selects her own
  Society—
Then—shuts the Door—
To her divine Majority—
Present no more—

COURTESY R. B. KITAJ

R. B. Kitaj, *Emily*, 2001

Unmoved—she notes the
  Chariots—pausing—
At her low Gate—
Unmoved—an Emperor
  be kneeling
Upon her Mat—

I've known her—from
  an ample nation—
Choose One—
Then—close the Valves
  of her attention—
Like Stone—

The Soul closes her "Valves" of attention not from scorn of the world, but because all her desire has been fulfilled in the union of love. So in quoting the closing lines of this poem to show that Dickinson was capable of revenging herself on Samuel Bowles by a calculated withdrawal, Habegger is silently misrepresenting the actual poem, with its rapturous withdrawal of the heart in love. Secondly, in paraphrasing these lines with the words "Dickinson slammed shut ... the valves of her attention," Habegger misrepresents Dickinson's metaphor (the mollusk firmly shut around its pearl). A mollusk cannot "slam" its valves.

In this way, when Habegger paraphrases a poem, he often reduces its atmosphere and mistakes its import. Again, I can offer only one instance. In a famous poem, Dickinson (remembering Keats's "To Autumn," with its closing choir of creatures, including "hedge crickets" that "sing") offers her own a cappella cricket-choir, who announce by their ritual chant the imminent death of the year:

Further in Summer than
  the Birds
Pathetic from the Grass
A minor Nation celebrates
Its unobtrusive Mass.

No Ordinance be seen
So gradual the Grace
A pensive Custom it
  becomes
Enlarging Loneliness.

Antiquest felt at Noon
When August burning low
Arise this spectral Canticle
Repose to typify

Remit as yet no Grace
No Furrow on the Glow
But a Druidic Difference
Enhances Nature now

Dickinson (and Wallace Stevens, who learned from her) loved the cusp of time when one moment or season is turning into another. In this poem, summer is about to turn into winter, body into specter, activity into mortal "repose," the unblemished into the blemished. Time, which "delves the parallels in beauty's brow," is about to plough his first destructive Furrow; the Grace of summer is, in the next moment, to be remitted; and the age-old revolution of the inevitable

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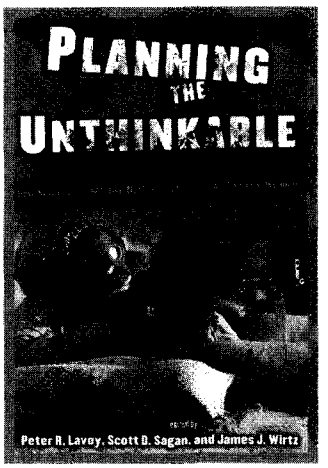
cycle—its antiquity felt most when it returns in the very teeth of August's noon burning—will imminently expose itself. This realization "enhances" Nature because beauty is never felt so strongly as in the prospect of its disappearance. The "Difference" between the hour before one feels the change (while a Grace is still present) and the hour that prophesies the fact of change is a "Druidic" or chillingly un-Christian difference. No afterlife waits on this coming extinction. Dickinson has composed an elegy for the summer and the self.

How does Habegger represent this poem and the mood generating it? Here is his (comparatively lengthy) comment on what he names the poem's "dignified seasonal repose":

> These various developments [fewer first-person poems; more abstract themes; instead of extreme feeling "a story line in which the speaker gives a respectful account of what she has achieved"] are beautifully summed up by the poem "Further in summer than the birds," in which the restful drone of stasis succeeds clamorous anticipation.... By August, when songbirds have fallen silent, cricket song has become the ubiquitous but scarcely noticed background. Now that the poet was in her mid-thirties, it was time to reach for the meaning of this quiet, constant sound.... The poem is as unemphatic as the crickets, with nothing dramatic or painful happening, no distracting scratch, no "Furrow on the Glow." As the summer noon blazes, the pacified listener sinks into the pensive background drone. Some songs propose to release us from loneliness; this song merely enlarges it. This is all there is, this is all there is: that is what the crickets say. It is the chant of acceptance, not Christian but Druid, leaving behind a keener sense of nature and solitude, a recognition that everything is different from what one thought and hoped, and that one has already begun to live with that. The war was over. The time had come for repose.

Such a generalized—and mistaken—paraphrase ("the restful drone of stasis") suggests that Habegger is less intuitive about Dickinson's feelings than one would like her biographer to be. And this instance is not unique.

Habegger's comment on "Further in Summer than the Birds" reveals nothing about Dickinson's active mind as she links her poem to Keats and Shakespeare, Americanizing both the English cricket and the Renaissance Grim Reaper, as she summons not only a Catholic Mass but—more startlingly—Britain's Druids



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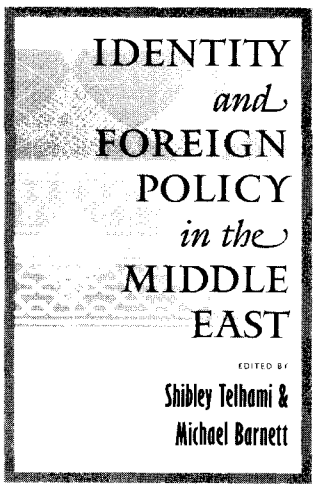

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into an Amherst meadow. But even if one does not wish a biographer to mention Dickinson's reading or how she helped to revise the English canon for the New World, one hopes that he will understand, and transmit adequately, the moods of his subject. Dickinson's subject in "Further in Summer than the Birds" is not a "dignified seasonal repose," but the glacial and spectral repose promised, in another "impersonal" poem, by admonitory presentiment:

> Presentiment—is that long Shadow—
> on the Lawn—
> Indicative that Suns go down—
>
> The Notice to the startled Grass
> That Darkness—is about to pass—

I AM ARGUING that an adequate biography ought to track the moral or spiritual evolution of its subject as well as the person's material life. When the subject is a poet, the biographer needs to realize that the strategies invented to represent the spiritual life are among the activities of the mind, and should be inventoried and analyzed. If we were after an understanding of Dickinson the person, we might ask why—as in "The Soul selects her own Society" and elsewhere—she splits herself into two or more pieces. In "The Soul selects," the division is made between a narrator and an active "Soul," so that Dickinson can be both the philosophical observer and the exalted Soul acting out her grand drama of courtship. In one of the most famous of the poems of self-splitting, Dickinson displays, to a listener and potential watcher, the spiritual development of "a" Soul: her own soul, we suppose, as we first read the poem:

> Dare you see a Soul *at the White Heat*?
> Then crouch within the door—
> Red—is the Fire's common tint—
> But when the vivid Ore
> Has vanquished Flame's conditions,
> It quivers from the Forge
> Without a color, but the light
> Of unanointed Blaze.
> Least Village has its Blacksmith
> Whose Anvil's even ring
> Stands symbol for the finer Forge
> That soundless tugs—within—
> Refining these impatient Ores
> With Hammer, and with Blaze
> Until the Designated Light
> Repudiate the Forge—

Sewall's way with this poem is to compare it to religious poems by Dickinson's English predecessors, and to comment how, in its deletion of God, it becomes much more radical than theirs. Habegger does not cite it. This is not in itself a fault: Dickinson wrote almost eighteen hundred poems and no biographer can make use of them all. Yet this nakedly revealing poem (together with those mentioned earlier, such as "After great pain") is an odd one to pass over in silence: it is one of Dickinson's finest accounts of her own understanding of moral progress.

WE ASK AGAIN: what is gained in this poem by the splitting of the self in many pieces? Here, Dickinson turns one piece of herself into a mentor who dares a neophyte (another piece of herself) to "crouch within the door" to see the Blacksmith's work; she makes another piece of herself into the Blacksmith who shapes the final form; and she creates from yet another piece of herself a shape-in-process, evolving from the "vivid" Ore to a thing that at first glows with the "Red" of "Flame's conditions," but finally emerges without any color but "the light/Of unanointed Blaze." In one sense, mentor, neophyte, Blacksmith, and evolving soul-form are all one and the same; the person aiming at self-perfection must begin his journey (alerted and "dared" by his mentors) as the "crouching" observer of grander spirits; then he must both perform (as Blacksmith) and undergo (as Ore) his own spiritual self-forming; and finally, having formed himself, he is able to bring a subsequent neophyte to the door of the smithy. Dickinson's self-splitting here into various personae is done so as to track the successive phases of one pilgrim's progress; it is a measure of her analytic intention that she claims for herself at this moment no single phase, but uses the mentor's words to display them all, since they are all, simultaneously, part of her self-perception as learner, self-former, malleable material, and teacher of others.

But why does Dickinson have to tell the story twice over in the poem? The first eight lines seem to have told it all: "a (single, generalized) Soul" evolves from "the (particularized) vivid Ore" of the body, and eventually "quivers" (having undergone bodily and mental suffering) into "unanointed Blaze." What can be added by going through the story once again? We notice (though perhaps not at the first reading) that the second eight lines retell the Soul's story in the plural, using a pointing adjective denoting closeness: "these." "These impatient Ores" are all the souls that desire perfection; and they emerge not merely into radiance of blaze (as in the first, singular telling) but, more significantly, into a *planned* form ("the Designated Light") that surpasses, and repudiates—in its sudden achieved magnificence—the place that housed the labor of its making.

This second narrative is the tale of the accumulated plural glory of human self-perfecting; and it takes us a step beyond mere Blaze. The achievement of inner transmutation ends in the emergence of a "Designated" (religiously and aesthetically intended) object greater than the sum of its constitutive labors. Dickinson told the tale twice to include us—her readers, with our "impatient Ores"—in her splendors. This is a species of imaginative generosity consequent upon her deciding to assume the role of guide, going before us through the refining fire. The role of guide is only one of the many that she takes on in the poems: scholar, teacher, artisanal worker, insect, boy, prophet, saint, mocker, definer, queen, corpse—the list is long. These roles—and her motives in playing them—need to be classified as elements of her inner biography.

To unfold the biography of Dickinson's mind and spirit, some such procedures of investigation into the acts of the poetry would be necessary. What the poem does—splitting its soul in two, three, or four; telling its story twice over, once in the singular and once in the plural—is always at least as psychically revealing as what the poem says. In "Dare you see a Soul," it is typical of Dickinson (who increasingly wants to contain all phases of a lengthy temporal process within a single short poem) to "speed up" the evolution from neophyte to perfected spirit to guide, so that all the roles can be seen within the first eight lines. In the second half of the poem, the neophyte (his instruction finished) disappears, as the guide's voice loses its tutorial "dare" and becomes reflective, pluralizing its tale. At the end, the guide is ready to reveal that the process concludes not with the victorious emergence of Blaze but with the superbly self-reliant repudiation of the Forge, a psychic step, taken in philosophic confidence, that goes beyond the vigorous, even violent, narrative of the first half of the poem.

ABOUT A YEAR later, Dickinson wrote this poem again. This time her metaphor for the perfecting of the spirit is not the strenuous battle with "Flame's conditions," but a much plainer and calmer image: that of the slow and careful labor necessary to build a house. As before, various phases precede the final autonomy: although in the beginning the House-in-the-making must be assisted by "Props" and "Scaffolds," and by the planks and nails and augers of "the Carpenter," by the end of the poem the House can stand alone:

> The Props assist the House
> Until the House is built

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And then the Props withdraw
And adequate, erect,
The House support itself
And cease to recollect
The Auger and the Carpenter—
Just such a retrospect
Hath the perfected Life—
A past of Plank and Nail
And slowness—then the Scaffolds drop
Affirming it a Soul.

Like "Dare you see a Soul," this poem tells its story twice—placing first the material metaphor of the emergence of the house and then moving into analogy: "Just such a retrospect/Hath the perfected Life." But this later poem does not exist to celebrate the blazing emergence of the Soul or even the calm emergence of the House. It exists to inquire how our sense of an experience changes in retrospect. As the Soul looks back, the agony of the fire has abated; the process of purification into light has become abstracted into the construction of a wooden thing ("The Feet, mechanical, go round .../A Wooden way," as Dickinson says in "After great pain"). The instruments of pain are reduced to unadorned material nouns—Auger, Plank, Nail: no "vivid" Ores here, no tense "quiver," not even a "soundless tug within." (In revising her draft, Dickinson did allow herself—in the word "Auger"—a more painful word than her original "Scaffold," moving that word to displace "Stagings" in the penultimate line.)

In his citing of this poem, Sewall mentions that if we are to read "The Props assist the House" correctly, we must recall Dickinson's earlier and more melodramatic uses of such images as nails and planks, and that (with respect to the Auger) we should recall the "mangling" accomplished by "Gimblets—among the nerve" in the 1861 poem "It is easy to work when the soul is at play":

It is simple, to ache in the Bone, or the
Rind—
But Gimblets—among the nerve—
Mangle daintier—terribler—
Like a Panther in the Glove—

It is useful to be reminded, as we face Dickinson's dry retrospect of Auger and Nail, that these images carry an occluded freight. But Sewall's remark does not comment on Dickinson's turn from the violent forge to the calm house, nor on the psychic states that generate such different treatments of the "same" theme.

I have said that "Dare you see a Soul" invents four "persons" representing four stages of the spiritual life: the addressed neophyte, the self-coercing Blacksmith, the suffering (but victorious) Ore, and the "designated" autonomous spirit (who can

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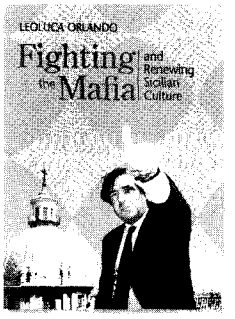
And Renewing Sicilian Culture
by Leoluca Orlando



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now serve as mentor to neophytes). In "The Props assist the House," we see only one person: the autonomous spirit. The speaker is now wholly and calmly "philosophical," relating the experience in the voice of someone who, though knowing that there was once a time of Auger and Nail, has ceased "to recollect" it. Consequently, the forceful gesture by which the Soul repudiated the Forge (necessitated by the violence the Forge had exerted upon the Soul-in-making) is nowhere apparent in the later poem. The Props—whose contribution is represented by the mild verb "assist"—subsequently "withdraw" of themselves; the Scaffolds "drop" spontaneously; and the torture so abstractly signified by "a past of Plank and Nail" is characterized by its slowness rather than by its agony.

We see in this poem Dickinson's meditation on memory: how it bleaches spiritual experience down from the red vividness of the Blacksmith's forge to the Carpenter's slow fitting of plank to plank, nail by nail. Which is the more accurate account of suffering: the story related from "up close" or that related in distanced summary? The experiential one or the philosophical one? The one in which one's inner "tug" is in command, or the one that seems to happen "all by itself" as Props withdraw and Scaffolds drop simply because time has passed? Is it good to "cease to recollect" the Carpenter and his Auger, or would there be a virtue in trying to keep the memory of the piercing Gimblets awake? These are the unanswerable questions that interested the inner Dickinson, and which are renewed whenever her work is read.

ACKNOWLEDGING THE difficulties of the task, Habegger nonetheless writes in his introduction that he wishes to narrate the development not only of Dickinson's psyche, but also of her work:

> A premise of this biography is that chronology is vital to comprehending Emily Dickinson—that she not only developed over time but that her work often reflected the stages of her life. Her poetry shows a striking and dramatic evolution. The question of development is fundamental.... While the poems are obviously not a diary, a great many bear the impress of current experience.

We might look to Habegger's conclusion to see how he sums up this development in Dickinson. This is the first section of a two-part summary:

> [H]er lyric vocation was a function of her essential lifelong struggle. Yielding to the nature of things no more than she had "given up" to the Savior during the revivals of her youth, she asserted her own powers of "pagan" ecstasy and sublime thought.... It would be melodramatic to see Dickinson as some sort of God-defying Captain Ahab ... but she did insist on reinterpreting, transcending, what she had been handed by her father, her religion, her culture.... Dickinson hid her own deep wound behind a gated partition, a "vail".... In her effort to make "No" the wildest word in the language, she devoted her incomparable resources to a kind of virgin closed-door mastery.

Habegger in this passage is once again alluding to "The Soul selects her own Society— / Then—shuts the Door." But the poem does not represent a "virgin closed-door mastery" at all: when Dickinson shuts the door, there is someone inside with her. Her intensely emotional erotic life (though it was based, as biographers agree, on little physical contact) meant that in her imagination there existed someone joined to her in a fevered circuit, a beloved (changing over time) whom she could address in accents of almost unprecedented intensity. Her "not telling" (as Habegger calls her poetic reticence), her reclusiveness, her conviction that outward refusal increased inner voltage, created in her a great receiving apparatus, an open door to sensation and perception, both natural and erotic. It is true that she bound her unvirginal enthusiasms into tight formal cages: but, as she says, "Ashes denote that Fire was." Dickinson's poetic "Carbonates" are the residue of a perpetual inner fire. They do not seem to me to exhibit "a kind of virgin closed-door mastery." Rather, they resemble an equation into which, when we substitute our own x and y, energy explodes, and doors are blown open.

IN HIS SECOND paragraph of conclusion, Habegger writes:

> Dickinson was a single woman who simultaneously obeyed and defied the patriarchal order, and for whom the blessing and the wound [of Jacob wrestling with the angel] became one and the same. What that seems to mean for us is that her great genius is not to be distinguished from her madness.

It is almost embarrassing to read this equation of genius and madness. According to all the evidence, Dickinson was never, in any sense in which we normally use the term, "mad." She may have said such metaphorical things as "a plank in Reason broke," and Thomas Wentworth Higginson may have referred to her as his "eccentric poetess," but Dickinson's conscious stylization of manner and language when she met Higginson are no evidence of "madness." There is no entry for "madness" in Habegger's subject index under her name; the entries under "illness" or "depression" offer nothing one could name "madness"—and Habegger himself repudiates John Cody's diagnosis of "an incapacitating psychotic episode," adding that "not one document from her many literate and outspoken contemporaries speaks of her as crazy."

Then what does Habegger mean by "madness?" His own diagnosis of Dickinson's statement to Higginson that she "had a terror—since September—I could tell to none" goes as follows:

> The terror since September, a profound and systemic and ongoing state lasting through the winter, was the thing Dickinson had been booked to fall into.... [I]ts essence was a recognition of something permanent: the disconnection between her heart's absolutism and the realities of life. Painful and transforming, it brought a final sense of isolation, abandonment, rejection.

But what reflective adult does not recognize "the disconnection between [the] heart's absolutism and the realities of life"? Who does not feel, in consequence, a sense of isolation, especially in the context of erotic "abandonment" or "rejection"? And although, as Habegger says, Dickinson "continued to write about extreme states: mental anguish, despair, the self as bomb or volcano, the fear that one may be coming apart," he notes that the great poems about this topic "were composed in a period, not of collapse, but reconstruction." In short, there is no proof of "madness," let alone any proof that "her great genius is not to be distinguished from her madness."

Dickinson's self-isolation, in the past taken as proof of neurotic incapacity, was (as feminists have remarked) an effective strategy by which to avoid all the external duties of single women—the care of the sick and dying, the long stays with the ailing elderly. the supervising of relatives' children. Dickinson was willing to be odd; and no doubt she could not help being eccentric. But there is not, so far as I know, a single deranged sentence in all her copious work in prose or verse. On the contrary, her writings, even in times of profound personal sorrow, give evidence of exceptional mental agility and order.

Like Sewall before him, Habegger gives us not only the mournful or morbid Dickinson but also the clever Dickinson, the humorous Dickinson of the "compact and

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energetic" letters. He quotes them convincingly:

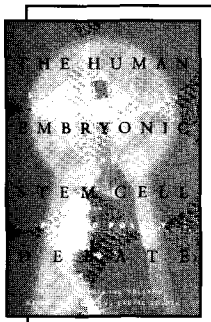
> Once when Vinnie [Dickinson's sister] was gone and the poet had the housekeeping, she sent Sue [her sister-in-law] one of her liveliest self-portraits: "I am so hurried with Parents that I run all Day with my tongue abroad, like a Summer Dog." When Sue went to the coast in 1866, not long after the publication of [Thoreau's] *Cape Cod*, Emily expressed her enthusiasm for her latest idol by asking, "Was the Sea cordial? Kiss him for Thoreau."

It is always good to recall that this "human" and affectionate Dickinson cohabited with the sibylline Dickinson of the poems. But Habegger's biography would have been more balanced if it made us know the intellectual Dickinson, the poet who wrote "My country is Truth," and whose poems contain (according to William Howard as quoted by Sewall) "seven hundred seventy words ... from special sources," of which "the largest group is from contemporary technology or science ... three hundred twenty-eight words are technical terms of one sort or another or words generally found only in scientific or academic discourse." This internalization of words represents a large investment in the books where Dickinson found them; but we do not hear much from Habegger about Dickinson's profit from her reading, even though reading was her chief activity when she was not writing. (Sewall devotes a chapter to her reading.) A more intellectual biography of Dickinson would present a poet somewhat different from one whose intensities are chiefly erotic and religious. In every usual sense, Habegger's biography is "well informed"—about people, about events, about material conditions of life, even about Dickinson's larger themes. But it is not a convincing portrait of the inside of her mind, nor of her work as an original poet.

The language of Habegger's biography is, unhappily, not adequate to its subject, lapsing often into an undue colloquiality. Dickinson's responsiveness to religion "exposed her to major inner trouble"; Austin gave his wife Coventry Patmore's "smarmy poem" *The Angel in the House*; the Democrats "took the rap" for hard times; Dickinson's attitudes toward authority are "tough ... to explain"; the fact that Dickinson said she had "none to ask" for advice "would seem to be another strike" against the feminist theory of shared female authorship; "brown-eyed Emily was making the most of her helpless side"; "Emily was hinting at her own woman troubles, her own separation pains"; "Samuel [Bowles] was always talking up a warm and fuzzy and very Victorian faith"; Dickinson's poems "are always welling up from a massive central volcano, like the lava flows on Mars"; "this shocking poem goes way beyond the bounds of good taste"; Bowles's son "listed six dynamite women he was friends with"; "the poet makes doubly clear how offbeat she is"; Dickinson's wish to find the absolute within the mundane is a "perennially expected rush"; "Emily ended a letter to a ... friend with a series of wacky excuses"; Dickinson's father's engagements "would seem to have impacted her chiefly through [parties]"; once, hearing a rival of her father's praised, "she huffily denounced the opinion"; Dickinson's citations of a Longfellow poem "suggest she valued the drippy moral advice" that it gave; Dickinson poses a question that is "as savvy as it is naïve."

Such misplaced slanginess jars not only against the nineteenth-century diction within which Dickinson's life inevitably unrolls, but also against the academic diction to which Habegger sometimes has recourse:

> If the more than six hundred poems that Dickinson wrote in 1863, 1864, and 1865 are read against those of 1861 (an



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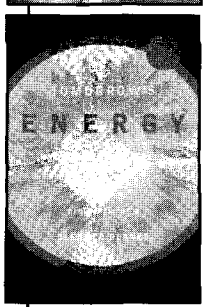

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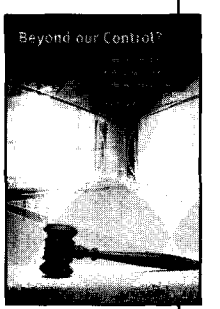

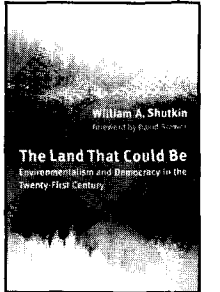

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experiment made possible by the new variorum edition's refined dating), certain directional tendencies stand out with such clarity it is unlikely her work can ever again be seen as somehow not developing—not building on her experience. Proportionally, we find an increase in the number of poems on abstract themes and a corresponding decrease in the number of first-person narratives.

This is a respectable enough sentence; but a person who naturally writes this way will not naturally write in the same book about wacky excuses and dynamite women and drippy advice. In short, there is not a persuasive personal voice speaking in these pages. In the best biographies we find ourselves in the presence of a captivating storyteller, whose voice, with a power of its own, leads us into the labyrinth of the resurrected life.

This is a workmanlike and (for the most part) readable account of the events, the people, and the contexts of Dickinson's life. It is less full, and much less well-written, than Richard Sewall's work, which must remain the standard biography. The story that Habegger tells of Dickinson's emotional and poetic development from girlish fancifulness to religious and erotic agony to stoicism and philosophical acknowledgment is not so new as his publisher claims ("the first thorough account of Dickinson's growth"). For readers who wonder about Habegger's candidate for the "Master" to whom Dickinson addressed three piteous (and probably unsent) letters, it is the minister Charles Wadsworth. ■

Good Vibrations

By RUTH FRANKLIN

Temperament: The Idea That Solved Music's Greatest Riddle by Stuart Isacoff

(Alfred A. Knopf, 259 pp., $23)

OUR WORLD TODAY is discrete, compartmentalized. The arts and the sciences bump up against each other mainly in the acronyms of graduate schools. Music, for most of us, takes place in a concert hall, or a jazz club, or a car radio; our encounters with the world of cells and atoms are limited to the doctor's office and the garden. Our universe is filled with black holes and dark matter and other unknowables; our home is a speck that orbits another speck in an ever-expanding cosmos. But there was a time when there existed a glorious synthesis of music and mathematics, and in the imaginations of scientists and philosophers and musicians it wove the entire universe into a grand design. The planets were imagined as enormous spheres, each moving in concert with the others. This motion produced "seven tones, this number being, one might almost say, the key to the universe," Cicero wrote. "The ears of mortals are filled with this sound, but they are unable to hear it ... you might as well try to stare directly at the sun, whose rays are much too strong for your eyes."

The very idea of a "key to the universe" today seems as quaint as the belief that the Earth is flat. We are more familiar with concepts such as Heisenberg's uncertainty principle, or chaos theory, or irrational numbers that can be calculated to an infinite and patternless number of decimal places. Even if a key to the universe could be discovered, the lock that it fits long ago disappeared. But for thousands of years, from the ancient Greeks to the Church fathers to the Enlightenment, the existence of such a key was not a fantasy but a premise of intellectual life, and the key was situated at the intersection of music, science, and religion. The proportions that govern musical harmony, causing certain tones that vibrate together to produce a beautiful sound, were believed to regulate also the positions and the motions of the celestial bodies. These proportions—simple ratios built on the integers 1, 2, 3, and 4—were proof of the divine organization of the cosmos. As Stuart Isacoff succinctly puts it: "The hand of God tunes the world."

Isacoff's book describes the history of musical harmony and its most important offshoot: the evolution of equal temperament, a tuning system that had an enormous impact on every aspect of the history of music, from the development of the sonata and the symphony to the design of instruments. Equal temperament divides the octave into twelve equal parts, or the notes of the scale: C, C-sharp, D, D-sharp, and so on. In previous tuning systems, the precise placement of these pitches varied; depending on which system was used, they could be higher or lower, in tune with certain harmonies and out of tune with others. But when instruments are tuned in equal temperament, there is no variation. Each note must be exactly a half step away from the note above or below it.

Over the last four hundred years or so, equal temperament, once a radical heresy, has become an almost universally accepted tenet. It is synonymous with the modern piano, and it defines the musical scale as we know it. Except for music theorists, people are now surprised to learn that Western instruments could be tuned in any other way. But for thousands of years there was another way of tuning, and it was inseparable from the theories about the structure of the cosmos. When equal temperament was first proposed, it was seen as "akin to taking a file to the pieces of a particularly frustrating jigsaw puzzle to force their irregular shapes into submission," Isacoff writes. "The result ... was regarded by many as repugnant, even catastrophic: a violation of nature." It was like throwing away the key to the universe.

LEGEND HAS IT that it was Pythagoras who first discovered the basic principle of musical harmony. Passing by a forge one day, he noticed that as the blacksmiths' hammers struck different anvils, they produced various tones. When the anvils were struck simultaneously, some combinations of tones were pleasing to the ear, while others were discordant. Pythagoras is said to have realized that the hammers that produced the most pleasant sounds were of certain proportions in relation to one another. Two hammers whose weights were in the ratio 2:1 produced the most harmonious sound, an octave; those in the relation 3:2 produced the perfect fifth. (This interval, logically, spans five notes of the musical scale, say from C to G.) The other harmonious ratio was 4:3, which resulted in the perfect fourth: the interval from C to F.

Pythagoras, of course, was not primarily a music theorist. His theory of the ratios for octaves and fifths was a small subset of his general conception of the universe, which he perceived as defined by number. The proportions of the musical intervals, like the laws governing geometric shapes and the laws directing the movements of the planets, were all part of the natural order of the world, which had as its basis certain simple

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mathematical formulas. The musical proportions reflected the vibrations of man's nature, which Pythagoreans such as Boethius called *musica humana*: the continuous soundless music produced by each human being, particularly the resonance between the soul and the body, which could be harmonious or disharmonious. *Musica humana* mirrored *musica mundana*, the music of the heavenly spheres as they moved in their orbits. The concept of the music of the spheres and its relation to the terrestrial world formed a backdrop to much of classical literature. In Plato's *Republic*, the myth of Er includes a detailed description of the spheres; they also make an appearance in Aristotle's *On the Heavens* and in Scipio's dream in Cicero's *Republic*.

In the phenomenon known as sympathetic vibration, when a string on any instrument is plucked, other strings tuned to the same pitch will vibrate at the same time, though almost silently. Similarly, in the vastly thrumming universe of the ancients, the vibrations of man's nature and the harmony of the celestial spheres mirrored each other. Thus music literally had the power to heal, as well as to damage: it could correct discord in the soul, but the myth was also told of a piper who incited men to violence by accidentally playing a tune in the wrong mode.

THE CHURCH FATHERS adopted a very similar idea of the relationship between music and man. The earliest Church music was plainchant, of which Gregorian chant is the best-known type. The primary characteristic of this music is its simplicity; unlike the multipart cantatas and chorales that would later become popular, it consists of a single melodic line, which commonly travels up or down gradually, one step at a time. This music has an austere beauty, to which the recent surge in the popularity of chant recordings attests. But its long strands of unison melody can bore modern ears, which are accustomed to greater complexity.

Soon the singers of plainchant learned to embellish a simple melody with the addition of another melodic line paralleling the first but located a fifth or a fourth above it. By the thirteenth century, these pieces had evolved into motets, which introduced the greater variety of polyphony, or counterpoint: the use of two, three, four, or more melodic lines simultaneously, as in Bach's fugues. But this music had not yet achieved anything like the Baroque era's sophisticated counterpoint: the fundamental harmonies continued to be based on the octave, the fifth, and the fourth—the "perfect" intervals, which were believed to emulate the choirs of heaven.

The Renaissance brought the extension of the ideas underlying musical harmony to the visual arts. Leon Battista Alberti wrote in *On Painting* that "the same numbers that please the ears also fill the eyes and the soul with pleasure." When Guillaume Dufay was called upon to write a musical tribute to the successful completion of the Duomo in Florence, the huge dome of which posed the engineering problem famously solved by Filippo Brunelleschi, he based his motet upon the ancient proportions for sacred buildings laid out in 1 Kings—6:4:2:3, the dimensions of Solomon's Temple. (Augustine believed that churches should be built according to the Pythagorean ratios, but Abelard found in Solomon's Temple further proof of God's intermingling of music and architecture.)

BUT AS COMPOSERS grew more inventive in their use of harmony, a problem with the entire musical system became more and more apparent. Theoretically speaking, if you were to take any stringed instrument and play a series of perfect fifths, each building on the last—C to G, G to D, D to A, and so on—after cycling through twelve fifths, you would end up on C again, eight octaves above where you started. But if the fifths are "pure"—that is, tuned exactly according to the Pythagorean ratio—the C on which you end up is slightly out of tune with the C on which you began. (The mathematical explanation for this phenomenon is that fifths vibrate in the 3:2 ratio, and octaves in 2:1; 2 and 3 are prime numbers, and the powers of different prime numbers can never coincide.) The difference between the two C's, known as the "Pythagorean comma," is infinitesimal, but even an untrained ear will find it disconcerting.

The problem of making the two C's match up—the "riddle" of Isacoff's title—occupied composers and musicians for more than two thousand years. It is less significant for stringed instruments such as the violin; since the musician adjusts the pitch of each note as he plays, these instruments are not tied to any particular tuning, or temperament. But with the growth in popularity of the harpsichord and other early keyboard instruments that did demand a fixed temperament, musicians and composers began to experiment with various ways of adjusting the tuning systems.

The simplest way to solve the conundrum is to shorten, or "temper," one link in the chain of fifths. But tempering creates a whole new problem: when just one or two notes in the scale are adjusted, the result is a "wolf" interval, an altered fifth with a

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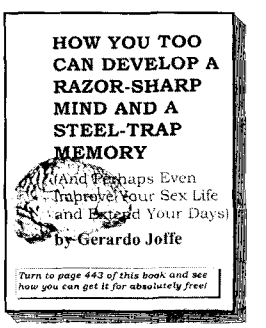
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hideously dissonant sound. On a piano tuned in this way, some chords—those based on the "pure," or untempered, intervals—would be exquisitely in tune; but approximately one-third of the keys—any that involved the tempered notes in the "wolf"—were dissonant to the point of being unusable. Composers had to take great pains to avoid the objectionable harmonies, which sharply limited the effects that they were able to achieve.

The effort to preserve as many pure harmonies as possible while simultaneously rendering the maximum number of keys playable led to the development of two competing methods of tuning. The fifteenth-century music theorist Bartolomeo Ramos de Pareja advocated a system called "just intonation," in which fifths and thirds were kept pure, but the individual steps of the scale were not of a uniform size. The harmonies based on the pure intervals were exquisite, while the others, as Isacoff puts it, were "like a splash of vinegar in the ears." In the other system, known as "mean-tone temperament," selected fifths were tempered by a fraction of the Pythagorean comma. Writing at around the same time as Ramos, Franchinus Gaffurius noted its appearance in his treatise *Practica musicae*, commenting that it was common practice for organists to abandon "perfect" tuning in favor of more utilitarian methods, including tempering fifths "by a very small and hidden and somewhat uncertain quantity." Several decades later, Giovanni Maria Lanfranco proposed an early approximation of equal temperament, suggesting that fifths be tuned flat enough so that "the ear is not well pleased with them," and thirds as sharp as possible.

In the sixteenth century, the concept of equal temperament began to gain momentum. The court composer Adrian Willaert demonstrated the need for it in 1530 with his choral piece *Quid non ebrietas*, which is impossible to perform in any tuning system other than equal temperament: it modulates through each key, ending with an octave leap. But the first serious challenge to the old system came from Vincenzo Galilei, the father of Galileo. Galilei, who studied for a time under the music theorist Gioseffo Zarlino, published in 1589 a treatise attacking his teacher, who had sought to expand the Pythagorean system to include sixths and thirds as "natural" intervals. Since (almost) all of these could be derived from the division of a string into six segments, Zarlino argued that six, not four, must be Pythagoras's "perfect number." Such contortions are nonsense, Galilei countered. All scales are man-made, with no basis in nature whatsoever. Indeed, just intonation is itself only an ideal; in practice singers automatically temper their intervals for the sake of overall harmony. Zarlino responded by calling Galilei's treatise "an assault on God's plan."

In retrospect, equal temperament seems an obvious solution. Rather than fiddling with shrinking thirds here and fifths there, why not spread out the tempering over the entire keyboard, thus altering each interval as little as possible? But this brought yet another mathematical conundrum: it was still not known how to divide the octave into twelve equal parts. The whole step is formed by the ratio 9:8, and an attempt to divide it (and thus to produce uniform half steps) yields an irrational number. More importantly, musicians were not yet prepared to abandon entirely the principles behind Pythagorean tuning. The theory of equal temperament was proposed by as early a thinker as Aristoxenus, a pupil of Aristotle, but it was considered an attack on Pythagoras and quickly dismissed. The Pythagorean proportions literally defined music: how could they be put aside?

There was another reason for musicians' and composers' resistance to equal temperament. Though unequal temperaments rendered certain keys unusable, the harmonies that were in tune retained an aesthetic quality that was utterly lost in the new system. Pure intervals, particularly thirds, simply sound more harmonious than tempered intervals. "In a triad everything sounds bad enough; but if the major thirds alone, or minor thirds alone, are played, the former sound much too high, the latter much too low," Johann Georg Neidhardt wrote in 1732. "Thus equal temperament brings with it its comfort and discomfort, like blessed matrimony."

Moreover, the musical keys, when tuned properly, were believed to possess inherent characteristics that do not come across in equal temperament, with its even spacing of intervals. "Every fear, every hesitation of the shuddering heart, breathes out of horrible E-flat minor," wrote the eighteenth-century composer Christian Schubart, one of the more exuberant chroniclers of this phenomenon. "Preparations for suicide begin in this key," he noted of B-flat minor. Similarly, some argue that Bach wrote the preludes and fugues of *The Well-Tempered Clavier*, often taken as a demonstration of the wonders of equal temperament, to showcase instead an instrument tuned in "well temperament," a somewhat irregular tuning somewhere in between mean-tone and equal temperament that allows the use of all the keys but still preserves their distinctive attributes. Theoretically, a piece of music intended to be played in equal temperament can be transposed into any other key with the same effect; but these theorists argue that Bach's preludes and fugues take advantage of the wider or narrower intervals of certain well-temperament keys, and when played in the proper temperament will sound wrong when transposed.

COURTESY STAATLICHE GRAPHISCHE SAMMLUNG MUNCHEN

Cornelis Cort, *Musica*, 1565

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In the early seventeenth century, the Dutch mathematician Simon Stevin tried to strike a compromise of a sort: the Greeks may have believed 3:2 to be a real ratio for the perfect fifth, he said, but obviously it was just an approximation of the true interval, the perfect interval, which was itself as unattainable as the Platonic forms or the Pythagorean triangle. He went on to argue that only equal temperament could be natural, because the other methods are simply unworkable. Around the same time Marin Mersenne, a French Jesuit, took the opposite approach, advocating that keyboards be constructed with anywhere from nineteen to thirty-two keys to the octave, thus allowing for every possible permutation. Meanwhile, far from the din of Europe, Prince Chu Tsai-yü of China was quietly inventing equal temperament on his own, calculating the tempered fifth at the ratio 749:500—just a smidgen away from 3:2.

The concept that natural intervals somehow had precedence over others got a boost in the late seventeenth century when the acousticians William Noble and Thomas Pigot discovered what are now known as "overtones." On stringed instruments, when a note is sounded, other notes can be discerned in the vibrations—most noticeably the fifth and the fourth. But in a famous dispute with Rousseau, Rameau invoked the phenomenon of overtones as an argument for equal temperament. Rousseau, in his "Letter on French Music," which appeared in 1753, had argued that since music was rooted in the first cries of a baby or an animal, music based on melody was natural, while music based on harmony was artificial and cultivated, further removed from natural sound. Rameau replied that the close study of nature revealed that harmony was in fact the real basis of musical expression: since vibrating objects emit overtones in addition to their primary tone, nature favors harmony. He concluded that equal temperament could thus be the only natural system, since only it allowed for harmonic movement between all of the keys.

Meanwhile, the first prototypes for the pianoforte were created by Bartolomeo Cristofori around 1700. The sonorous tone produced by the instrument's characteristic action—rather than being plucked, as with a harpsichord, the piano's strings are struck by hammers—made the slight dissonance of tempered intervals easier to bear. And as composers began to write for the piano more and more, they came to develop the sonata form, which relies on often-complicated modulations from one key to the next. Once composers had experienced the freedom of modulation that equal temperament allows, there was no turning back. At least that is how Isacoff would have it.

Isacoff's book makes admirable sense of a topic that is normally broached only in turgid texts of music theory. He writes engagingly about abstract and often counterintuitive matters, and he lends his subject a bit of drama by placing it, rightly, in the context of the history of ideas. The revolution of equal temperament took place primarily in the musical arena, but Isacoff shows that the concepts that brought it about were inseparable from contemporaneous ideas about astronomy or man's place in the universe or God. Like every other important idea, equal temperament did not develop in a vacuum.

Sometimes the connections that Isacoff draws seem a bit forced, as when he argues that the new polyphony of the motet was the musical counterpart to Giotto's paintings, which Petrarch described as "images bursting from their frames, and with the lineaments of breathing faces.... It is here that the danger lies, for great minds are greatly taken with this." Surely similar warnings were given about polyphonic music, but it seems difficult to call music, which is non-representational, a reflection of nature in the same way that painting can be said to be. And Isacoff's rundown of the history of music, astronomy, art, and physics sometimes has a sort of flip-book quality, as figures such as Kepler or Newton pop up for a few paragraphs and then disappear.

But the deeper problem with Isacoff's linkage of historical temperaments with the history of science is that it implies that these ideas from deep within the history of music are no more applicable today than are Ptolemy's epicycles or Copernicus's models of circular planetary orbits. Though at the end of his book Isacoff raptly recounts an experience of listening to a piano adapted to play untempered tones, his forward-thrusting approach to equal temperament's development clearly indicates that he regards the positions against it as better off left behind. Indeed, most of the theorists and the philosophers who favored just intonation or mean-tone temperaments are presented as kindly old eccentrics situated comfortably in the distant past.

By essentially ending his book with Rameau, Isacoff ignores some of the more controversial temperament research of the past few decades. A strong camp of contemporary music theorists continue to argue against what they see as the "homogeneity" of equal temperament. It is required for the performance of modern atonal music, which exists outside traditional harmonic systems. But these scholars argue that perfect equal temperament was itself merely a theoretical ideal until the introduction of scientific tuning methods in the early twentieth century. Until then—that is, throughout the Classical and Romantic periods—pianos were tuned to various approximations of equal temperament, with some intervals tempered more, some less. "Nineteenth-century tuning by ear was a highly developed art based on aesthetic judgments for every tone," the theorist Owen Jorgensen observes in *Tuning*, which appeared in 1991. "By contrast, twentieth-century tuning is a mathematical skill," with little art left.

These scholars also contend that the complete dominance of equal temperament in modern times has resulted in contemporary musicians' loss of the ability to distinguish between pure intervals and their tempered forms. "We have become so accustomed to hearing the tempered scale that we have become, in effect, 'ear-washed': having heard tempered fifths all our lives, they sound right, or right enough, to us," writes Jamie James in *The Music of the Spheres*. But the intervals are not supposed to sound "right." They are supposed to sound sublime. It is worth recalling that "temper" comes from the Latin *temperare*, which has among its meanings "to restrain oneself." It is the

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beauty of pure intervals that equal temperament restrains. Galileo described the pure perfect fifth as "a tickling of the eardrum such that its softness is modified with sprightliness, giving at the same moment the impression of a gentle kiss and of a bite." You can strike C and G together on the piano, but that is not what you will hear.

IN A LOGICAL offshoot of the "authenticity" movement that has brought increasing interest in period instruments, some musicians have begun to experiment with reconstructing historical temperaments. Jorgensen's book gives detailed explanations for tuning more than one hundred different temperaments, and the pianist Enid Katahn has put them to use on two recent recordings, "Six Degrees of Tonality: A Well Tempered Piano" and "Beethoven in the Temperaments: Historical Tunings on the Modern Concert Grand," both on the Gasparo label. On the first recording, Katahn performs a number of repertoire staples in various temperaments. The temperament that she employs for Mozart, for instance, was common during the mid–eighteenth century: a version of well temperament, all the keys are usable, though some intervals are tempered more than others, making it an irregular temperament.

Katahn's recordings carry a mock "warning label" that reads: "This CD contains pure intervals which may be habit forming!" And Katahn writes in the notes to "Beethoven in the Temperaments":

> Not only do certain keys have an overall aura or character, but within each key, every chord seems to have its own color. One is given the impression of a constant shift between light and shade as one moves through the changing chordal landscape.... Listen to the tension created by the diminished seventh chords in the opening of the Pathetique sonata or by the strange progressions of the second movement of the Waldstein. Notice the contrast in the Moonlight sonata as it moves from the "dark" key of C♯ minor to the "lighter" A and D major chords of the third bar.... These are exciting passages in any tuning, but in a Well Temperament they become musical events.

After comparing Katahn's interpretation of the *Appassionata* Sonata to a recording by Richard Goode, however, I could not be certain that I actually heard any of these effects in Katahn's version. Despite the supposed drawbacks of equal temperament, Goode's opening chords are just as rich as Katahn's. The trill at the end of the chord progression leads more inevitably to the introduction of the theme, which sings more brightly under his hands, and the arpeggios that follow are more bubbly. It is Katahn's version, in fact, that lacks drama, because her approach to the music simply feels less strong. Not surprisingly, the skill of the pianist clearly has far more to do with the success of an interpretation than does the temperament of the instrument.

But I listened to Goode again after hearing Katahn, and the quality of the pitches did seem a little flat. And Katahn's recording of Mozart's Fantasy in D minor provides further evidence for the benefits of well temperament. With its abundance of diminished chords and seventh chords, the Fantasy is perfectly suited for temperament comparison, since it is these notes that are most likely to be affected by the irregularities of unequal temperaments. The piece begins with deep, low arpeggiated chords that cycle from one hand to the other, progressing from D minor to a diminished second and a seventh chord, then through F major and E-flat major to another diminished chord before resolving to A major and then D minor through a series of treble half-steps in the right hand. When Katahn plays the piece in eighteenth-century temperament, the accidentals—particularly the G sharps of the last diminished chord—are noticeably unstable. This phenomenon repeats in the series of half-steps: the space between G sharp and A, as well as between D sharp and E, is audibly larger than the norm. Katahn hovers on the strange notes, so that the resolution to D minor is oddly refreshing, despite the darkness of the minor key. When she gives the piece again in equal temperament, the instability is gone, along with the strangeness.

DID MOZART INTEND this strangeness? For years musicologists have been debating whether it is possible satisfactorily to answer questions about the way composers intended their music to be heard. One thinks of Christopher Hogwood's attempt—to cite only one of the many once-notorious experiments of the "authenticity" movement in performance practice—to recreate the original performance conditions of the *Eroica* Symphony, up to and including the use of an amateur orchestra. But aside from such obvious absurdities, problems such as inconsistencies in scores and lack of dynamics notations are a clear stumbling block to establishing definitive versions of many compositions. Just as reading literature written in the past, even in one's native language, requires an act of mental translation, a certain kind of translation may also be necessary to interpret music written under conditions that we can never fully know.

It seems clear that true equal temperament was not common on pianos until at least the middle of the nineteenth century, if not later. Thus we should recognize that, particularly in the Classical period, composers likely worked with different temperaments in mind than the one to which we are accustomed. But in order truly to appreciate how these temperaments sounded, it would seem necessary to hear them on a period instrument. The very concept of "historical tunings on the modern concert grand" is a bit of an absurdity, since the instrument is built to be tuned in equal temperament. Indeed, modern pianos have to be "taught" to accept historical temperaments, with repeated tunings required before the soundboard will hold the new shape. (Katahn's liner notes reveal that her piano actually had to be re-strung after it was used for the most radical meantone temperament.)

WHEN "AUTHENTICITY" IS for so many reasons unavailable to us, it is the performer who represents our best avenue of approach to the music. Katahn has also recorded Chopin's Fantaisie-Impromptu in C-sharp minor, and I again compared her version with another recording that I happened to have, this one by Horowitz. I have been listening to this piece for years, and there was a time when I could play it myself. Yet as I concentrated on Horowitz's recording I heard something in it that I had never before noticed: a delicate and beautiful ornamentation that sounded like double triplets on one of the repetitions of the sweet second theme. Eagerly I turned to Katahn's recording to hear how this beautiful moment would sound in irregular temperament, and was surprised to discover that it was entirely missing. I checked my edition of the score: it wasn't there, either. Was Horowitz using a different version? Or did he improvise the ornamentation himself? I do not know the answer, but in sheer beauty that one measure in Horowitz far surpassed all the untempered intervals in Katahn.

Leibniz famously wrote that "music is the hidden arithmetic exercise of a soul unconscious that it is calculating." Nowhere is the connection between math and music more visible than in the meticulous calculations required to determine temperament. But music is not only an arithmetic exercise for the soul; it is also an aesthetic exercise, even a spiritual exercise. All the tuning adjustments in the world can only be of secondary importance. The temperament of an instrument is finally far less interesting than the temperament of a musician. ■

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You deserve a factual look at...

Those "Palestinian Refugees"

Who are they, what is the real story?

Although, in view of the violence of the Palestinians, negotiations with them would seem fruitless, or at least a long way off, one issue that will arise again is that of the "Palestinian Refugees." It has been a sticking point in past negotiations and will without question arise again. These "refugees" are the children and mostly grandchildren of those who left Israel during the 1948 War of Independence. Yasser Arafat insists that there can be no peace unless those "refugees" are allowed to "return" to Israel.

What are the facts?

650,000 "refugees" swell to 5 million. You have heard about those "Palestinian refugees", who claim "right of return" to Israel. Of course, virtually none of them ever lived in Israel -- they are the children and mostly grandchildren of those who fled in 1948. The total number of those who fled in 1948 is estimated to have been about 650,000. Now the number who wish to return has swollen to almost five million!

How did this exodus come about? In 1948, on the day of the proclamation of the State of Israel, five Arab armies invaded the new country from all sides. In frightful radio broadcasts, they urged the Arabs living there to leave, so that the invading armies could operate without interference. They could return after the expected quick victory in that "holy war", get their property back -- *and* that of the Jews. Things turned out differently. The invading armies were defeated. Those who had left became refugees -- people without a country. Those who stayed, and their children, are full-fledged citizens of the state of Israel.

> The Arabs are committed not to allow any "non-believers" to be in control of any part of the Middle East. That is the real cause of the "Palestinian refugee problem."

These so-called "Palestinian refugees" have not been allowed to settle in the "indivisible Arab nation". They have been supported in camps since 1948. So far, close to $1.8 billion has been spent on their maintenance. No end is in sight. Who pays for that? You guessed it: Through UNWRA Relief, the United States contributes more than 60% of the total cost.

The Arab countries, among them some of the richest in the world who fritter away their enormous fortunes on undreamed luxuries, are satisfied to leave their Arab brethren in those miserable camps. They have never contributed a penny to their maintenance.

Another side of the "refugee" story. But there is another side to the "refugee" story. Little is heard of the 800,000 Jewish refugees from Arab countries, who fled those countries to settle in the newly formed Jewish State of Israel. Every one of those refugees was immediately accepted, resettled, taken care of, and given full citizenship by the fledgling, impoverished, and embattled Jewish State. There never has been, and there certainly is not now, a Jewish "refugee" camp in Israel or anywhere else.

The Arab "refugees" who fled Israel left little wealth and little history, since most of them had not come to "Palestine" until Jewish settlers opened economic opportunities in what had been a desolate country for centuries. But the Jews of Arab lands have a history going back thousands of years. When forced to flee, they left behind land, wealth, and a long history. They arrived in Israel, quite literally only "with their shirts on their backs." They now make up almost 60% of the vibrant and productive population of Israel. What have the Arabs, the richest people in the world, done with <u>their</u> "refugees" in more than 50 years? They have kept them in misery, on the dole of the world, and have taught their hopeless youth the "skills" of suicide missions and of slaughtering defenseless and unarmed men, women, and children.

If the Arab nations truly decided to make peace with Israel and to put an end to the century-long strife, they could easily accomplish it by accepting the "Palestinian refugees" in their countries and, just as Israel did with Jewish refugees from Arab countries, integrating them into their societies and making useful citizens of them. In fact, acceptance in their countries might also be offered to the Israeli Arabs, who, despite enjoying a higher standard of living, education, and health than Arabs in any of the surrounding countries and despite having the same civil rights as Israeli Jews, are not happy to live in a Jewish state.

Population transfers are common, especially in the wake of wars. They have been practiced throughout history. In 1923, Greece and Turkey agreed to the resettlement of 2 million Greeks and 800,000 Turks; in 1945, the resettlement of 3 million Germans from Poland and Czechoslovakia was arranged. Following the collapse of its North African empire, France accepted close to 1.5 million people. More than 12 million (!) Muslims and Hindus were exchanged between India and Pakistan. Israel has recognized this historical necessity. The "Arab Nation", with its enormous wealth and vast under-populated lands, has stubbornly refused to face facts.

It is clear that the "Palestinian refugee problem" is a red herring, kept alive by the Arab nations for their political purposes, and with cynical disregard for the great number of impoverished people who live in these camps. It is being kept alive and is being used as a "non-negotiable" bargaining chip, for the purpose of destroying the State of Israel -- a feat that the Arabs have attempted several times by military means, but which has always ended in disastrous failure. Apart from the unsolvable social problems it would create, the introduction of, say, even one-half of the 5 million who claim to be "refugees" would, with one stroke, dramatically alter the demographic makeup of the country and would inevitably destroy the Jewish State. That is of course the whole idea behind the demand for the "return of the refugees". If the Arab nations were willing to solve the "refugee problem", the legitimacy of Israel could no longer be questioned. But that is not acceptable to the Arabs. They are firmly committed not to allow Israel or any "non-believers" to be in control of any part of the Middle East. It is that, and that alone, which is the real cause of the "Palestinian refugee problem."

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WASHINGTON DIARIST

Kickback

TWO SCENES FROM THE Islamic world, post-September 11: First, as the Northern Alliance enters Kabul, a group of newly shorn men in shorts grab a barely inflated ball and play soccer on a grassless, craggy pitch. Bullet casings on the ground bump passes off course, and the players show considerable rust. But that's beside the point: The players, captured on CNN, are thumbing their noses at the Taliban. Although Mullah Omar and his fanatical friends didn't criminalize the game—it was one liberty too beloved even for them to confiscate—they ruined it. Among the Taliban regulations: Players had to wear long pants; fans couldn't applaud; there was only one acceptable soccer cheer, "*Allahu Akbar*"—Allah is the greatest. When a Pakistani team from the border village of Chaman played a match in Kandahar last year, religious police stormed the field to arrest the visiting players for wearing pants that exposed too much flesh. Nor was this an extraordinary event. Afghan games often became occasions for the Taliban to drive home their particular interpretations of Islamic law, usually in the form of a halftime execution. So the men on the rocky pitch in Kabul were liberating the game, just as surely as they'd been liberated themselves by American planes and Northern Alliance troops.

THE SECOND SCENE CAME ONE MONTH earlier, and hundreds of miles to the west, when Tehran experienced its own "soccer revolution." The uprising took its name from its proximate cause: Iran's dazzling display of attacking play in the World Cup qualifying round. Unlike the Gulf states and Iraq, Iranian players hone their skills in top European leagues. The national soccer federation imported the brilliant manager Miroslav Blazevic, who had led Croatia to a surprising third-place finish in the last World Cup. With each Iranian win—over Saudi Arabia, over Iraq, over the United Arab Emirates—the nation grew more frenzied. After the trouncing of the UAE in October—a victory that appeared to sew up a berth in the 2002 World Cup—thousands took to the streets. Women shucked their veils, climbed atop cars, and danced to Western pop. Festive fans chanted "*zindibad azadi*" (long live freedom) and "We love America."

NOT SINCE 1979, THE ANNUS HORRIBLIS in which Ruhollah Khomeini returned to Tehran on an Air France jet and imposed fundamentalist rule, had Iranians grabbed the ayatollahs by their robes and given them so vigorous a shake. But the widely expected World Cup run was not to be: To quell the unrest and break the insurgents' spirit, the ruling clerics were rumored to have ordered Iran to throw a game to Bahrain, the cellar-dwellers of Middle Eastern soccer. (Thanks in large part to this loss, the Middle East will be represented in the Cup by Saudi Arabia.) Even in defeat, however, soccer fans took the streets, this time confronting the government not with their joy, but with their fury. In a single night last month, 32 banks were vandalized. Police have arrested more than 2,000 fans for "acting against national security."

FROM THE START, THE MULLAHS HAVE understood soccer's subversive nature. When British colonials brought the game to the Middle East in the early twentieth century, Islamic leaders balked. The House of Saud, for instance, refused to sanction the game until 1959. After leaders realized that they couldn't stamp out the popular pastime, they tried to co-opt it. Ruling clans and political parties associated themselves closely with teams. During the 1970s, the wealthy regimes of the Gulf poured money into their national soccer programs. Saudi Arabia built the King Fahd Stadium with marble and gold boxes and carpeted stands. The al-Sabah family spent wildly to make Kuwait a regional power: Sheik Fahd, brother of the emir, appeared on the sidelines during Kuwait's less-than-stellar run through the 1982 World Cup in Spain, barking at soccer officials.

AND IT WASN'T JUST THE ETON-educated princes. The Middle East's terrorists and thugs eventually latched on to soccer, too. Hezbollah adopted the second-division Lebanese team Ahid as its own, and won exclusive rights to broadcast soccer tournaments on its radio network, An-Nur. In Iraq, Saddam appointed his son Uday as head of the national soccer federation, where he has proven a pioneer in motivational techniques. When the team loses, Uday allegedly docks his players six months' salary. After a 1997 loss to Kazakhstan in World Cup qualifying, the London *Sunday Times* reported, each player received lashes on the soles of his feet. It could have been worse, though: Sharar Haydar Mohamad al-Hadithi, a player who fled Iraq, has testified that Uday's men dragged him through gravel and then dumped him in sewage.

WHY HAVE THE MULLAHS AND MILITANTS tried so hard to contain and control soccer? For starters, there's the game itself. No matter how aggressively the regimes regulate soccer cheers and the exposure of flesh on the field, the sport incites the kind of ecstatic emotional release that fundamentalist Islam insists should be reserved for Allah. (Or, as the conservative Iranian paper *Jomhuri-ye Eslami* put it last month, soccer doesn't deserve its "unrealistically and irrationally elevated status.") International soccer competition, moreover, nurtures a nationalism that doesn't rely on Islamic solidarity. In Tehran this year, dissident fans waved the Iranian flag and loudly proclaimed the late Shah's exiled son, Reza Pahlavi, as their spiritual leader. For Islamists, especially in countries like Iran that have national identities predating Islam, anything that promotes secular nationalism is a source of enormous anxiety.

BUT THERE'S SOMETHING EVEN MORE subversive than soccer nationalism: soccer internationalism. The aspirations of every national soccer team begin and end with the World Cup. And it's hard to think of a sporting event more devoted to the cause of globalization. Consider the images that would have flooded Iranian television sets had the team qualified for the 2002 tournament: in the stands, exiles in T-shirts with slogans touting expat leaders (when the Iranians played the United States in the Rose Bowl two years ago, planes circled overhead carrying banners decrying Iranian human rights abuses); lining the field, billboards advertising corporate sponsors like Nike and Sony—reminders of the Western products and culture that Iranians are denied.

IRAN, IT'S TRUE, HAS TIME-TESTED methods for limiting soccer's subversive appeal. Team photos prominently feature the visage of the late Ayatollah Khomeini. In tense times, government officials permit the stadium to sell only half its tickets—an intentionally discouraging signal to players and fans alike. And during the national broadcast of games, fan noise is electronically softened to a din. Officials claim this helps strain out obscenities uttered by enraged fans—but it also hushes any nationalist slogans they might shout. For 22 years these tactics have kept soccer's passions quiet. But now the soccer revolution is suddenly getting louder. Someday soon, we can hope, no television station will be able to muffle it.

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daughter, Ebony.

School Choice Unites

A clear theme emerges in new public statements and legal briefs filed with the Supreme Court regarding Cleveland's educational choice program for low-income parents.

Distinguished individuals, with views covering a very broad spectrum, decisively agree that the Cleveland program is constitutional. They are, indeed, clearly *united* on this point. Here are examples:

• Democratic Milwaukee Mayor **John Norquist** and Republican New York Mayor **Rudolph Guiliani**.

• **Charles Fried**, a Harvard University law professor and former U.S. Solicitor General in the Reagan Administration, and **Walter Dellinger**, U.S. Solicitor General in the Clinton Administration. The current U.S. Solicitor General, **Theodore Olson**, also supports the Cleveland program's legality.

• **Jesse Choper**, a renowned Constitutional scholar and former dean of the University of California-Berkeley Law School. Choper's filing was signed by thirty-seven law school professors whose views span a broad spectrum. These legal scholars are from twenty-three law schools, including Michigan, Harvard, Notre Dame, and Wake Forest.

Parental School Choice is Widespread — Unless You're Poor.

• Democratic Florida Attorney General **Robert Butterworth** and Republican Florida Governor **Jeb Bush**.

• Democrat **Kurt Schmoke**, the first African American mayor of Baltimore, and **C. Boyden Gray**, legal counsel to former Republican President George Bush.

• The Black Alliance for Educational Options (BAEO), a non-partisan group whose board includes current and former elected officials and educators of differing political persuasions. BAEO is chaired by **Howard Fuller**, former superintendent of the Milwaukee Public Schools and now a Distinguished Professor of Education at Marquette University.

Mayors Guiliani and Norquist assert that in the pending Cleveland case the Supreme Court "will decide whether states, by injecting choice and competition into urban K-12 education, can [succeed] in adequately educating most city children, an outcome America's cities desperately need in order to thrive again."

Harvard's Fried joined a brief filed by the Institute for Justice, a public interest law firm representing Cleveland parents in the case. They argue that the Cleveland program's "primary effect" is not to advance religion but rather reflects "good-faith efforts directed toward the constitutional imperative of extending educational opportunities to children who need them desperately." Professor Choper agrees, stating in his brief that Cleveland's program should be viewed not as "an endorsement of religion, but rather as an effort to ensure that all children who live in Ohio receive an adequate education."

Educational equity was a theme stressed in briefs filed by BAEO and Schmoke and Gray. As the filing by Schmoke and Gray says, "School choice programs help to equalize educational opportunity by giving poor parents...choices that families of greater means take for granted."

In total, more than two dozen briefs supporting the Cleveland program's constitutionality have been filed. Clearly, school choice has united people who often find themselves on very different sides of other policy issues.

baeo

Black Alliance for Educational Options

For more information go to: schoolchoiceinfo.org or baeo.org

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